

SHERI GIPSON

6 / 9 / 2014

1 (Pages 1 to 4)

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE SOUTHERN DISTRICT OF TEXAS
3 CORPUS CHRISTI DIVISION
4 MARC VEASEY, et al.,)
5 Plaintiffs,)
6)
7 v.) Civil Action
8) No. 2:13-cv-193(NGR)
9 RICK PERRY, et al.,)
10 Defendants.)
11)
12 UNITED STATES OF AMERICA,)
13 Plaintiff,)
14)
15 TEXAS LEAGUE OF YOUNG)
16 VOTERS EDUCATION FUND,)
17 et al.,)
18)
19 Plaintiff-) Civil Action
20 Intervenors,) No. 2:13-cv-263(NGR)
21)
22 TEXAS ASSOCIATION OF)
23 HISPANIC COUNTY JUDGES AND)
24 COUNTY COMMISSIONERS,)
25 et al.,)
1 Plaintiff-)
2 Intervenors,)
3)
4 v.)
5)
6 STATE OF TEXAS, et al.,)
7 Defendants.)
8)
9 *****
10 ORAL DEPOSITION OF
11 SHERI GIPSON
12 JUNE 9, 2014
13 *****
14 ORAL DEPOSITION OF SHERI GIPSON, produced as
15

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1 witness at the instance of Plaintiffs, and duly sworn,
2 was taken in the above-styled and numbered cause on
3 June 9, 2014, from 9:31 a.m. to 11:19 a.m. before
4 Kim Seibert, CSR in and for the State of Texas,
5 reported by machine shorthand, at the law offices of
6 DECHERT LLP, 300 West Sixth Street, Suite 2010, Austin,
7 Texas, pursuant to the Federal Rules of Civil Procedure
8 and/or the provisions stated on the record or attached
9 hereto.

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3 (Pages 9 to 12)

<p>1 it as it comes forward.</p> <p>2 Q. Are you in charge of any portion of the</p> <p>3 website for DPS?</p> <p>4 A. No, sir. That's the policy and business</p> <p>5 improvement group.</p> <p>6 Q. But if you have something you would like to</p> <p>7 add, change, or modify, do you send your request to</p> <p>8 that group?</p> <p>9 A. That's correct. We submit it through them.</p> <p>10 Q. I'm going to ask you this morning primarily</p> <p>11 about driver's license and the personal identification</p> <p>12 cards. Okay?</p> <p>13 A. Okay.</p> <p>14 Q. The personal identification card, just for the</p> <p>15 record, is what, in your opinion? How do you see that?</p> <p>16 A. The personal identification card is a document</p> <p>17 that is issued to an individual to show who they are</p> <p>18 and where they live. It does not give them the</p> <p>19 privilege to drive a vehicle.</p> <p>20 Q. And other than -- what uses does a personal</p> <p>21 identification card have in Texas, in your opinion?</p> <p>22 A. In my opinion, there's -- it's primarily used</p> <p>23 as identification for business or banking or personal</p> <p>24 such as residential.</p> <p>25 Q. Will it allow someone to gain access to a</p>	<p>9</p> <p>1 Q. So basically the same for both; personal</p> <p>2 identification and driver's license?</p> <p>3 A. Yes, sir.</p> <p>4 Q. Let me ask you, first of all, about driver's</p> <p>5 license in Texas, if I could. If I go into the -- into</p> <p>6 a DPS office and apply for a driver's license for the</p> <p>7 first time, what type of information do I need to</p> <p>8 provide to the DPS in order to obtain a Texas driver's</p> <p>9 license?</p> <p>10 A. Okay. For the -- for a driver license you</p> <p>11 would fill out the application and you would also</p> <p>12 provide us proof of identity, proof of residency, proof</p> <p>13 of citizenship, and then if you held a previous license</p> <p>14 in another state, that information as well.</p> <p>15 Q. Before I get to the forms of identification,</p> <p>16 is there a fee for applying for a driver's license for</p> <p>17 the first time?</p> <p>18 A. There is a fee for the driver license. For</p> <p>19 the regular driver license, it's \$24. For the</p> <p>20 commercial driver license, it's \$60. And there's --</p> <p>21 there's additional fees if you have motorcycles.</p> <p>22 Q. Is there any type of waiver by the DPS for</p> <p>23 individuals who are -- cannot afford a driver's license</p> <p>24 or a certain poverty level, anything of that sort?</p> <p>25 A. There is not a waiver for -- based on poverty,</p>
<p>10</p> <p>1 Q. state courthouse?</p> <p>2 A. Yes, sir.</p> <p>3 Q. What about boarding a plane? Do you know if</p> <p>4 that will allow a person to board a plane?</p> <p>5 A. Currently it does allow them to board a plane.</p> <p>6 Q. Does the personal identification card that is</p> <p>7 issued by DPS, does it have a bar -- a bar code or any</p> <p>8 type of magnetic strip that contains personal</p> <p>9 identification?</p> <p>10 A. The personal identification card has both a 2D</p> <p>11 bar code and a mag stripe.</p> <p>12 Q. And what kind of information is contained on</p> <p>13 those two -- on the personal identification card?</p> <p>14 A. The information that is on the face of the</p> <p>15 license and, additionally, it houses the weight and</p> <p>16 height -- weight and hair color of the individual.</p> <p>17 Q. On the magnetic strip, or whatever you call</p> <p>18 it?</p> <p>19 A. The mag stripe and the 2D bar code.</p> <p>20 Q. Okay. What about the driver's license?</p> <p>21 What -- what information is on the magnetic strip of a</p> <p>22 driver's license?</p> <p>23 A. It's the same information. It's the</p> <p>24 information on the face of the license, plus the weight</p> <p>25 and hair color.</p>	<p>12</p> <p>1 no, sir.</p> <p>2 Q. Okay. Is there a waiver based on age or</p> <p>3 disability?</p> <p>4 A. There is. There's a reduction in fee for an</p> <p>5 identification card based on age. There is a -- if you</p> <p>6 are a veteran that receives 60 percent or more</p> <p>7 disability, your driver license fees and identification</p> <p>8 card fees are waived.</p> <p>9 Q. Are the fees the same for a personal</p> <p>10 identification as they are for a driver's license?</p> <p>11 A. No, sir. It's \$15 for an ID.</p> <p>12 Q. But the waiver is the same?</p> <p>13 A. Yes, sir.</p> <p>14 Q. Are the requirements for receiving a personal</p> <p>15 identification card the same as those for receiving a</p> <p>16 driver's license for the first time?</p> <p>17 A. With the exception of proof of a license in a</p> <p>18 former state.</p> <p>19 Q. Can a nonresident of Texas obtain a driver's</p> <p>20 license in Texas?</p> <p>21 A. What do you mean by "nonresident"?</p> <p>22 Q. Someone who lives in another state.</p> <p>23 A. But if they're a citizen?</p> <p>24 Q. Yes.</p> <p>25 A. No, sir. They have to -- for an original they</p>

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<p>13</p> <p>1 have to show residency --</p> <p>2 Q. Okay.</p> <p>3 A. -- and proof of living in Texas.</p> <p>4 Q. What about a non-US citizen, can they obtain a</p> <p>5 driver's license in the State of Texas?</p> <p>6 A. Yes, sir, they can, as long as they can prove</p> <p>7 lawful presence. And then their card is issued based</p> <p>8 on that.</p> <p>9 Q. And what is lawful presence in the mind of</p> <p>10 DPS?</p> <p>11 A. Lawful presence means that they have a</p> <p>12 document showing that they are here for an extended or</p> <p>13 limited time period and that they have approval to be</p> <p>14 in the United States.</p> <p>15 Q. And what type of documents would you expect to</p> <p>16 see?</p> <p>17 A. You would have -- and you'll have to forgive</p> <p>18 me. I don't know all of the form numbers. There is</p> <p>19 documents for students for workers, permanent</p> <p>20 residents, and asylees.</p> <p>21 Q. Does that driver's license have a different</p> <p>22 identification on the face of it than for a</p> <p>23 US resident?</p> <p>24 A. There -- it's got the same header as far as</p> <p>25 the driver license, but it does say temporary resident.</p>	<p>15</p> <p>1 A. 32 years.</p> <p>2 Q. Congratulations.</p> <p>3 A. Thank you.</p> <p>4 Q. You don't remember exactly when proof of</p> <p>5 US citizenship was required to obtain a Texas driver's</p> <p>6 license?</p> <p>7 A. No, sir. We -- the proof began in 2008. But</p> <p>8 prior to that we did start collecting that information.</p> <p>9 Q. Can you tell me the difference? I'm not sure</p> <p>10 I understood.</p> <p>11 A. Well, the difference before was -- okay. The</p> <p>12 difference before was it was a question that was asked,</p> <p>13 "Are you a citizen," and the applicant provided the</p> <p>14 information yes or no.</p> <p>15 Q. All right. So before 2008 they just checked a</p> <p>16 box that say US citizen?</p> <p>17 A. That's correct.</p> <p>18 Q. Okay. After 2008, they had to show some type</p> <p>19 of proof?</p> <p>20 A. Yes, sir.</p> <p>21 Q. And what type of proof did the DPS rely upon</p> <p>22 to verify someone was a US citizen?</p> <p>23 A. Certificate of naturalization, birth</p> <p>24 certificate, or passport.</p> <p>25 Q. Now, if I go into the DPS office to renew a</p>
<p>14</p> <p>1 Q. And is it issued for a different period of</p> <p>2 time than a driver's license for a US resident?</p> <p>3 A. It is. The asylees and permanent residents</p> <p>4 are issued for the same period of time. But the</p> <p>5 others, the expiration is based on their stay in the</p> <p>6 United States.</p> <p>7 Q. Based on the documentation they provide to --</p> <p>8 A. They present.</p> <p>9 Q. -- the DPS?</p> <p>10 A. Yes, sir.</p> <p>11 Q. Okay. Has Texas always required proof of</p> <p>12 US citizenship to issue a driver's license?</p> <p>13 A. No, sir.</p> <p>14 Q. And when did that change?</p> <p>15 A. I don't recall when we initially started the</p> <p>16 year. It was as a result of voter -- the Help America</p> <p>17 Vote Act.</p> <p>18 Q. How long have you been in your current</p> <p>19 position at DPS?</p> <p>20 A. Since 2009.</p> <p>21 Q. What did you do before that?</p> <p>22 A. I was a manager of the license and records</p> <p>23 service. And then prior -- during that same time</p> <p>24 period I served on a special project for four years.</p> <p>25 Q. How long have you been with DPS in general?</p>	<p>16</p> <p>1 driver's license, okay, do I show all of the same</p> <p>2 information or do I have to show all of the same</p> <p>3 documentation as if I'm getting one for the first time?</p> <p>4 A. No, sir, you do not.</p> <p>5 Q. All right. What if I have a driver's license</p> <p>6 that was issued before 2008?</p> <p>7 A. I'm not sure what you're asking. I mean, it's</p> <p>8 the same process. So there is certain fields, Social</p> <p>9 Security number and citizenship, if they have not been</p> <p>10 completed, then you do have to show proof of those two</p> <p>11 for a driver license.</p> <p>12 Q. Okay. So if I'm -- if I'm doing an in-person</p> <p>13 renewal, does it make a difference in my age -- does my</p> <p>14 age make a difference in what I have to show to the</p> <p>15 DPS?</p> <p>16 A. No, sir.</p> <p>17 Q. All right. So if I'm renewing a driver's</p> <p>18 license that I obtained before proof -- written proof</p> <p>19 was required of U.S. citizenship, I have to show it at</p> <p>20 that time?</p> <p>21 A. If the system has not been updated to show a</p> <p>22 citizenship yes or no, then, yes, sir.</p> <p>23 Q. And how would the system get updated?</p> <p>24 A. By the information that the applicant</p> <p>25 previously submitted.</p>

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<p style="text-align: right;">17</p> <p>1 Q. Okay. So they would look me up on the 2 computer, and if I had not provided that type of 3 documentation or proof before, then I would have to 4 show it when I renewed?</p> <p>5 A. Well, it's not -- we don't look to see if 6 there's documentation. So the CSR is looking at the 7 system, and if the system displays a yes or no in that 8 field, they do not request additional information.</p> <p>9 Q. Fair enough. Is -- what about a renewal 10 on-line?</p> <p>11 A. Well, one of the requirements for a renewal 12 on-line is that the U.S. citizen equals yes.</p> <p>13 Q. Say that one more time.</p> <p>14 A. One of the -- the criteria for renewing 15 on-line is that the US citizenship field has to equal 16 yes.</p> <p>17 Q. In the database --</p> <p>18 A. In the database.</p> <p>19 Q. -- maintained by DPS?</p> <p>20 A. That's correct.</p> <p>21 Q. Okay. So if I'm renewing on-line and it does 22 not show US citizen, then I need to supply that 23 documentation?</p> <p>24 A. Yes, sir.</p> <p>25 Q. Okay.</p>	<p style="text-align: right;">19</p> <p>1 on-line.</p> <p>2 Q. So I would have to go in person?</p> <p>3 A. Right. That is correct.</p> <p>4 Q. What -- you said you've reviewed some 5 statutes. And what statutes did you review?</p> <p>6 A. Chapter 521, just overview of the application.</p> <p>7 Q. And that's 521 of which code?</p> <p>8 A. Transportation code.</p> <p>9 Q. Now, if we switch to personal identification 10 cards. I go in to renew in person. Same type of 11 information is required as for a Texas driver's license 12 except for an out-of-state driver's license?</p> <p>13 A. Yes, sir, except for the Social Security 14 number. That's also permissive on an ID. It's not 15 required.</p> <p>16 Q. Okay. What about renew on-line? Can I renew 17 my personal identification card on-line?</p> <p>18 A. You can if you meet all the criteria.</p> <p>19 Q. Okay. And is it the same database or the same 20 flags that would come up with the DPS when I tried to 21 renew on-line?</p> <p>22 A. Yes, sir, that's correct.</p> <p>23 Q. Going back to driver's license for a moment. 24 I am applying for a Texas driver's license for the 25 first time. Am I required to provide fingerprints?</p>
<p style="text-align: right;">18</p> <p>1 A. You would be required to go into the driver 2 license office.</p> <p>3 Q. That was my next question. So I cannot renew 4 on-line unless the database shows that I am a 5 US citizen?</p> <p>6 A. That's correct.</p> <p>7 Q. Now, are there any exceptions to either 8 renewing in person or renewing on-line for when the 9 system does not show a US -- that I'm a US citizen?</p> <p>10 A. What do you mean by "exception"?</p> <p>11 Q. Are there any exceptions to that rule?</p> <p>12 A. That they have to establish that?</p> <p>13 Q. Yes.</p> <p>14 A. No, sir.</p> <p>15 Q. Okay. And -- but I -- the exception would be 16 if I'm a student or I have a student visa or something 17 of that nature, would that show in the database?</p> <p>18 A. Yes, sir.</p> <p>19 Q. Oh, it would?</p> <p>20 A. Yes. It would show citizen, no, and then it 21 would give the information.</p> <p>22 Q. So if I'm renewing on-line and I'm a -- I'm a 23 student here on some type of student visa or student 24 pass, it would show that within the DPS database?</p> <p>25 A. It would and it would not allow you to renew</p>	<p style="text-align: right;">20</p> <p>1 A. Yes, sir.</p> <p>2 Q. Is a warrant check run when I apply for a 3 driver's license?</p> <p>4 A. Yes, sir.</p> <p>5 Q. And what type of activity would be in the 6 database that would prevent me from getting a driver's 7 license; for example, a felony conviction?</p> <p>8 A. There is no -- felony convictions in 9 themselves would not prevent you from getting a driver 10 license. The only thing that would prevent you from 11 getting a driver license is if you had some type of 12 suspension or revocation action that prohibited that.</p> <p>13 Q. Okay. So if I had some type of conviction for 14 DWI, which along with that was a suspension or 15 revocation, then that would be a hold on my ability to 16 get a license?</p> <p>17 A. That would be a hold on the driver license 18 providing the suspension was still active. The fact 19 that you had a DWI alone would not do it.</p> <p>20 Q. Okay. What other type of activity would 21 prevent me from getting a driver's license for the 22 first time? Is there some type of child support check? 23 Is there any other background information?</p> <p>24 A. No, sir. The only thing that would stop you 25 initially is if there's something already in our</p>

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<p style="text-align: right;">21</p> <p>1 system. So if you had received either convictions or 2 something of that nature prior to getting a driver 3 license and a record was established to document those 4 suspensions, then that would prohibit you from getting 5 the driver license.</p> <p>6 Q. Okay. I read something about child support. 7 How does that affect someone's driver's license?</p> <p>8 A. Failure to pay child support, the Attorney 9 General's office sends us notification, and it will 10 suspend their driver license until they become 11 compliant.</p> <p>12 Q. All right. Let's talk about personal 13 identification. I go in for the first time to get a 14 personal identification card. Am I required to provide 15 fingerprints?</p> <p>16 A. Yes, sir.</p> <p>17 Q. And is it handled in the same manner as the 18 application for a Texas driver's license?</p> <p>19 A. You mean in regard to get -- collecting the 20 prints?</p> <p>21 Q. The prints and the information that's in the 22 database for DPS.</p> <p>23 A. The prints are there and the information is 24 there, but suspension and revocation activity would not 25 prohibit you from getting an ID.</p>	<p>1 Q. Let's -- driver's license, let's start with 2 that.</p> <p>3 A. Okay. For a driver license, the actions that 4 can be taken against it, there -- it's basically how 5 it's recorded in statute and the process of whether or 6 not there's a hearing involved. So for certain 7 suspension actions, you're given the opportunity to 8 request a hearing and go before the court or -- I just 9 forgot what they're called. For ALR. Just went blank. 10 SOAH, State Office of Administrative Hearings.</p> <p>11 Q. SOAH?</p> <p>12 A. SOAH.</p> <p>13 Q. Okay.</p> <p>14 A. So you're allowed to go before them for a 15 hearing, and then they make the final determination 16 whether the suspension continues or it's not.</p> <p>17 For a revocation, it is --</p> <p>18 Q. Hold that thought for just a moment.</p> <p>19 A. Okay.</p> <p>20 Q. Suspension occurs after a hearing?</p> <p>21 A. Only if they request the hearing. And there's 22 only certain suspensions that allow you to get a 23 hearing.</p> <p>24 Q. Okay. All right. Let's talk about 25 suspensions. What are the criteria for the DPS to</p>
<p style="text-align: right;">22</p> <p>1 Q. Would there be anything that would prevent me 2 from getting --</p> <p>3 A. Not from a suspension, with the exception of 4 sex offenders. They are required to renew annually. 5 And so until they establish that process, they're -- 6 they're suspended. But their compliance is coming in 7 and obtaining the ID or DL, so that wouldn't stop them 8 from getting it.</p> <p>9 Q. Okay. I'm trying to put these in categories 10 so that the record will be clear, and so I'll ask you 11 to help me -- help me do that.</p> <p>12 A. Okay.</p> <p>13 Q. Renew on-line for a driver's license, the same 14 type of information would prevent me from getting a 15 renewal that we just spoke about?</p> <p>16 A. As far as revocations or suspension action?</p> <p>17 Yes, sir.</p> <p>18 Q. Yes. Okay. Now, as someone in your 19 department, can you describe, what is the difference 20 between, for example, revocation, suspension, 21 cancellation, confiscation? How -- put those in a box 22 for me --</p> <p>23 A. Put them in a box?</p> <p>24 Q. -- and tell me how you view those terms.</p> <p>25 A. It --</p>	<p>1 suspend my driver's license? Give me some examples.</p> <p>2 A. So we either receive conviction information or 3 a notice that you have not complied in another state 4 for an offense that occurred there. Most of the -- the 5 most common one is probably the habitual violator is 6 one of them, where you received four tickets in a 7 12-month period. So you can request a hearing, go 8 before the court, and then they will determine whether 9 the suspension action would be upheld. And so then the 10 department would go ahead and initiate it or if they 11 overturn it, and then the suspension action would be 12 stayed.</p> <p>13 Q. So the suspension is automatic?</p> <p>14 A. The suspension is at a designated time period, 15 and depending on the outcome of a hearing, if you 16 requested it, it would be automatic.</p> <p>17 Q. So if you get notification -- let's say if the 18 DPS gets notification of a conviction; that is, one 19 which they suspend your license for, then the 20 suspension has a date on it?</p> <p>21 A. Yes, sir, a beginning date.</p> <p>22 Q. How is someone notified of that?</p> <p>23 A. They are notified by mail.</p> <p>24 Q. That your license will be suspended on X date?</p> <p>25 A. Correct.</p>

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<p style="text-align: right;">29</p> <p>1 that out-of-state ticket, then what happens to that 2 revocation?</p> <p>3 A. The revocation is stayed and never initiated 4 if they show proof prior to that start date.</p> <p>5 Q. Okay. What about a personal identification 6 card? Is it ever revoked?</p> <p>7 A. No, sir.</p> <p>8 Q. Now, is there a term of cancellation of 9 personal identification cards or driver's license? Is 10 that -- is that a term the DPS uses?</p> <p>11 A. We do use "cancellation."</p> <p>12 Q. How is that different from revocation or 13 suspension?</p> <p>14 A. Basically when we do a cancellation it is 15 because that person is not qualified for that type 16 card. So if we have information or get information 17 that the person did not pass the necessary test, we 18 would cancel that driver license. Or in the instance 19 of an under 18, if a parent withdrew their 20 authorization, then we would cancel that driver 21 license.</p> <p>22 Q. And they would be notified in mail?</p> <p>23 A. Yes, sir.</p> <p>24 Q. They would be given a cancellation date?</p> <p>25 A. Yes, sir.</p>	<p style="text-align: right;">31</p> <p>1 because do different law enforcement agencies handle it 2 differently?</p> <p>3 A. It would be dependent upon the officer. They 4 are not instructed to take it, but there are some that 5 still take it depending on the circumstances at the 6 time of arrest.</p> <p>7 Q. But Department of Public Safety troopers do 8 not take possession of it?</p> <p>9 A. No, sir, not to my knowledge.</p> <p>10 Q. Okay. But maybe some local agencies that do?</p> <p>11 A. Correct.</p> <p>12 Q. Okay. If someone is stopped and arrested, for 13 example, for a DWI, what happens to their driver's 14 license?</p> <p>15 A. At the time of the stop or the whole process?</p> <p>16 Q. Whenever they're processed.</p> <p>17 A. Okay. So --</p> <p>18 Q. Since they don't take physical possession of 19 it generally. I understand that.</p> <p>20 A. Uh-huh.</p> <p>21 Q. Is that a yes?</p> <p>22 A. Yes, sir.</p> <p>23 Q. Okay. So what happens to their license?</p> <p>24 A. They would maintain possession of it. And 25 they are served with a notice at the time of the stop</p>
<p style="text-align: right;">30</p> <p>1 Q. And they could get the DPS to lift the 2 cancellation date by complying with whatever 3 requirement they had?</p> <p>4 A. That would be correct.</p> <p>5 Q. Okay. What about a personal identification 6 card, is it ever canceled?</p> <p>7 A. I can't think of an instance, but if we were 8 to -- if we were to discover that there was fraud 9 committed or that the identity was incorrect, then we 10 would cancel that card.</p> <p>11 Q. Okay. Sticking to driver license, can a 12 driver's license be confiscated, physically taken from 13 the driver?</p> <p>14 A. Yes, it can be confiscated. Typically it is 15 not. The -- the officers usually just let them keep 16 the license because the State no longer requires that 17 it be confiscated. Way back in the day they did 18 require it, but that statute is no longer required. 19 And so typically they will -- the officer will leave 20 it, because then they don't have to maintain that in 21 their evidence or submit it to us.</p> <p>22 Q. So they generally do not take physical 23 possession of it?</p> <p>24 A. Correct.</p> <p>25 Q. Does that apply -- and you say not always,</p>	<p style="text-align: right;">32</p> <p>1 that their license is going to be suspended. They're 2 given 15 days to request a hearing. If they choose to 3 request the hearing, then they go through the hearing 4 process. If the State Office of Administrative Hearing 5 stays it, then we would not initiate the automatic 6 suspension, the administrative license suspension. If 7 they uphold it, then we would suspend the license. But 8 it does not require that person to surrender that 9 license. They can maintain it.</p> <p>10 Q. So the person that's arrested for DWI is given 11 some type of notification that the license will be 12 automatically suspended within 15 days if they don't 13 take certain action?</p> <p>14 A. No, they're given 15 days to request the 15 hearing.</p> <p>16 Q. Is their license to drive still good during 17 that 15 days?</p> <p>18 A. Yes, sir, it is.</p> <p>19 Q. Okay. So the suspension is not in effect 20 until there's a hearing?</p> <p>21 A. If they request it. Otherwise, it takes 22 effect on the 41st day, the suspension.</p> <p>23 Q. So the 15-day period is the period by which 24 they request a hearing?</p> <p>25 A. Correct.</p>

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<p style="text-align: right;">33</p> <p>1 Q. If they request a hearing within 15 days, the 2 license stays -- the Texas driver's license stays valid 3 until there is a hearing?</p> <p>4 A. That is correct.</p> <p>5 Q. -- okay. If they do not request a hearing 6 within the 15-day period, then their license is 7 automatically --</p> <p>8 A. Suspended.</p> <p>9 Q. -- suspended on the 41st day?</p> <p>10 A. Yes, sir, it is suspended on the 41st day.</p> <p>11 Q. For how long?</p> <p>12 A. It depends on whether or not they do a breath test or if they refuse.</p> <p>13 Q. If they refuse, do you recall how long?</p> <p>14 A. If they refuse, I believe it's 180 days.</p> <p>15 Q. Okay. If they take -- I mean, if they give 16 one or provide one?</p> <p>17 A. It's 90 days.</p> <p>18 Q. Is there a scenario where a personal 19 identification card would be confiscated?</p> <p>20 A. Not during -- not -- not related to a traffic stop. I mean, I can't -- I can't talk to what an agency might do if they're arresting an individual. But not for reasons that we would require.</p> <p>21 Q. There's not a DPS reason that you can think</p>	<p style="text-align: right;">35</p> <p>1 A. No, sir. They are not printed and the warrant check is not done on that one.</p> <p>2 Q. If I go into a DPS office, do -- do I see 3 signage to that effect? For example, is there a sign 4 that says, "When you apply for a driver's license, we 5 expect fingerprints," or, "We will take your 6 fingerprints and we'll do a warrant check"?</p> <p>7 A. Not to my knowledge.</p> <p>8 Q. For an EIC, is there something that says, "We 9 do not take fingerprints and we do not do a warrant 10 check"?</p> <p>11 A. Not to my knowledge.</p> <p>12 Q. Is there any way for a person applying for a 13 driver's license, personal identification, or EIC to 14 know what the differences are? For example, the 15 website, does it make a distinction? Could I determine 16 what I have to -- what's going to be done from the 17 website? And don't guess. If you don't know, you 18 don't know.</p> <p>19 A. Yeah, I'm not -- I can't answer that. I would have to go look at the website to be sure.</p> <p>20 Q. All right. But as far as in person, if I walk 21 into a DPS office, I won't see signage that says, "This 22 is required for driver's license. This is required for 23 personal identification. This is required for an EIC"?</p>
<p style="text-align: right;">34</p> <p>1 of?</p> <p>2 A. No, sir.</p> <p>3 Q. All right. If I go -- is there ever a reason 4 if I go into a DPS office for them to confiscate my 5 driver's license?</p> <p>6 A. The only reason they would confiscate it is if it was proven that it was fraudulent activity.</p> <p>7 Q. And that would be the -- you call them CSRs?</p> <p>8 A. In the office?</p> <p>9 Q. Yes. Is that term --</p> <p>10 A. CSR, customer service rep, yes, sir.</p> <p>11 Q. If I go in to apply for a driver's license and 12 there is a -- do they do an automatic warrant check 13 when I apply?</p> <p>14 A. For the driver license?</p> <p>15 Q. Yes.</p> <p>16 A. Yes, sir.</p> <p>17 Q. And for the personal ID as well?</p> <p>18 A. Yes, sir, for the ID as well.</p> <p>19 Q. And if there's an outstanding warrant, I 20 assume I'm arrested at that time?</p> <p>21 A. If there is an officer in the office.</p> <p>22 Q. Is there any type of, if you know, 23 fingerprinting requirement or warrant check for someone 24 applying for an EIC?</p>	<p style="text-align: right;">36</p> <p>1 A. I can't really answer that because I don't go into the field office. To my knowledge, it does not -- it does not go down to the fingerprint level.</p> <p>2 Q. We've talked about the hearings, the 3 administrative law judge hearings with SOAH. Are there 4 any such hearings that someone can have for a personal 5 identification card?</p> <p>6 A. No, sir, because the personal identification card wouldn't be required to go through that process. Now, could they have a hearing because of a driving incident? Yes, sir. But it wouldn't affect the validity of their identification card.</p> <p>7 Q. If they -- if there was a problem with their 8 personal identification card, is there any way they can 9 appeal that process through the DPS to say, "I do have 10 proof and this is it and they didn't accept it and they 11 didn't issue me a card," anything of that sort?</p> <p>12 A. It would depend on the problem. I'm not sure what you're asking.</p> <p>13 Q. Is there any formal process? I go in. I 14 apply for a personal identification card. I'm rejected 15 by the CSR. How do I go to the next step?</p> <p>16 A. For -- in the instance if they don't have the correct documents or something of that nature?</p> <p>17 Q. If I think I do, but the CSRs say I do not.</p>

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<p style="text-align: right;">37</p> <p>1 A. You would ask to see the lead or the 2 supervisor in that office.</p> <p>3 Q. So there's not like a hearing process I have 4 to go through?</p> <p>5 A. No, sir.</p> <p>6 Q. When, for example, I go into Walgreens to buy 7 behind-the-counter allergy medicine, they swipe my 8 driver's license --</p> <p>9 A. Yes, sir.</p> <p>10 Q. -- is that information maintained just by the 11 pharmacies or is that information forwarded to DPS?</p> <p>12 A. That information is not forwarded to DPS.</p> <p>13 Q. Who maintains that?</p> <p>14 A. Well, let me clarify that. It's not reported 15 to the driver license division.</p> <p>16 Q. Is it reported to some division, if you know?</p> <p>17 A. I don't know that.</p> <p>18 Q. Okay. So it does not report that to DPS?</p> <p>19 A. No, sir, not to the driver license division.</p> <p>20 Q. Do you know of any voting locations that will 21 swipe my driver's license?</p> <p>22 A. I do not, because I live in a small town and 23 we don't swipe.</p> <p>24 Q. Okay. But the only information that's on my 25 driver's license is what you spoke of earlier?</p>	<p style="text-align: right;">39</p> <p>1 A. No, sir. The only separation would be for the 2 EIC.</p> <p>3 Q. It's a separate, standalone database?</p> <p>4 A. Yes, sir.</p> <p>5 Q. Okay.</p> <p>6 A. Well, I can't say it's -- I don't know if it's 7 a separate, standalone database. The search engines 8 are separate.</p> <p>9 Q. Okay. All right. And the reason it's a 10 separate search engine is because why?</p> <p>11 A. When it was developed, it was done as an -- 12 basically as an offshoot of the driver license system. 13 It was not made part of the main driver license system 14 because of the differences in the printing and the 15 warrant checks, all of those things that weren't going 16 to be done.</p> <p>17 Q. How -- just looking at the driver's license 18 database, it has -- has the personal identification in 19 that database as well. What type of categories can you 20 search? Can you search by age, race, if you know?</p> <p>21 What categories?</p> <p>22 A. You can search the primary searches either by 23 driver license number, Social Security number, name, 24 and date of birth. We do have additional fields that 25 you can search on, which is age ranges, location, and</p>
<p style="text-align: right;">38</p> <p>1 A. Yes, sir. If they're swiping the card, the 2 only information they're getting is what's on the face 3 of the card, with the addition of the two fields.</p> <p>4 Q. Okay. What type of database does DPS 5 maintain? Let me make that a broad question to begin 6 with.</p> <p>7 A. In relation to driver license or --</p> <p>8 Q. Let's start with driver's license.</p> <p>9 A. Okay. So in relations to driver license, we 10 have a driver license system, which houses all of the 11 data related to the issuance of driver licenses and 12 identification cards. It also houses all of the record 13 information; conviction, accident, crash involvements, 14 et cetera. And then the -- there is a subset of that 15 database for the election certificate.</p> <p>16 Q. Is -- is -- is the database divided into</p> <p>17 driver's license, personal identification cards, EICs?</p> <p>18 A. No, sir. The driver licenses and 19 identification cards are in the main tables and then 20 the election certificate is in a sub-table or 21 sub-tables.</p> <p>22 Q. So if you wanted to search, for example, by</p> <p>23 name, would you have to search driver's license and</p> <p>24 then personal ID and then EIC, or could you do it all</p> <p>25 at once?</p>	<p style="text-align: right;">40</p> <p>1 description.</p> <p>2 Q. What was the last one?</p> <p>3 A. Description, which is your height, weight, 4 race, et cetera.</p> <p>5 Q. Okay. So under "Description," you could do it</p> <p>6 by race?</p> <p>7 A. Correct, with additional information, not just 8 by race. So you would have to have the name to go with 9 it.</p> <p>10 Q. I'm sorry. I don't follow that.</p> <p>11 A. So, in other words, there's certain criteria 12 that has to be entered. So at the minimum, you would 13 have to have a last name. You couldn't just go in and 14 search for all white, in other words. You have to have 15 a name to go with that.</p> <p>16 Q. Okay. So you could -- you would -- in order</p> <p>17 to -- okay. So you couldn't go in there and say, "I</p> <p>18 want to determine in that database how many</p> <p>19 African-Americans hold driver's license in Texas"?</p> <p>20 A. Not off the -- just our basic search. Now, 21 can that data be done through using our database 22 administrators? Yes. But just the basic search? No, 23 sir.</p> <p>24 Q. Okay. But it could be done if you wanted to?</p> <p>25 A. Yes, sir.</p>

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<p style="text-align: right;">41</p> <p>1 Q. All right. And so what categories of race do 2 you have? I mean, you have, I assume, 3 African-American?</p> <p>4 A. African-American, Asian, Pacific Islander, 5 White, Other, and Hispanic, which is the only ethnicity 6 that's included in that.</p> <p>7 Q. Okay. Do you have any idea what the breakdown 8 is today of -- by race of --</p> <p>9 A. Percentages?</p> <p>10 Q. Uh-huh.</p> <p>11 A. No, sir.</p> <p>12 Q. Okay. Can you search, either you or somebody, 13 search the database for -- to determine how many of the 14 driver's license -- how many of the Texas driver's 15 license holders are also registered to vote?</p> <p>16 A. No, sir.</p> <p>17 Q. Do you know approximately how many individuals 18 hold Texas driver's licenses today?</p> <p>19 A. Right now we have -- there is 18 million 20 records.</p> <p>21 Q. 18 million?</p> <p>22 A. 18 million records.</p> <p>23 Q. Okay. And why do you use the term "records" 24 rather than "individuals"?</p> <p>25 A. It's just -- that's the word I use. There's</p>	<p style="text-align: right;">43</p> <p>1 will be updated where everyone will have shown proof of 2 US citizenship?</p> <p>3 A. I can't answer that at this point because we 4 don't require it if it's already in the system. And 5 there's nothing that indicates in our system whether or 6 not they've shown proof. So unless the State of Texas 7 becomes real ID compliant and that becomes part of the 8 process for us to recertify all of our drivers, I can't 9 say how many will have not -- will have actually shown 10 proof.</p> <p>11 Q. Okay. Let me ask a couple of questions 12 because I got confused earlier.</p> <p>13 A. Okay.</p> <p>14 Q. So as we sit here today, if someone is in the 15 system and the system shows US citizen --</p> <p>16 A. Uh-huh.</p> <p>17 Q. Is that a yes?</p> <p>18 A. Yes, sir.</p> <p>19 Q. -- that doesn't tell you in the DPS whether or 20 not they have shown proof or just checked the box?</p> <p>21 A. That is correct.</p> <p>22 Q. Okay. But at some point that person will have 23 to show proof; is that correct?</p> <p>24 A. Not at this time.</p> <p>25 Q. What if their driver's license comes up for</p>
<p style="text-align: right;">42</p> <p>1 no specific reason for it. It's 18 million license 2 holders.</p> <p>3 Q. Okay. And you cannot determine how many of 4 those are registered to vote?</p> <p>5 A. No, sir. The only information we have in our 6 system is if they elected to do a voter registration 7 when they were doing their application. But there's 8 nothing that ties it to the actual voter registration.</p> <p>9 Q. Of the 18 million registered -- of the 10 18 million people that hold Texas driver's licenses, 11 how many of those 18 million have show -- have shown 12 documentation or proof of US citizenship, do you know?</p> <p>13 A. I can't answer that.</p> <p>14 Q. Is it all 18 or not all 18?</p> <p>15 A. I would say it's not all 18.</p> <p>16 Q. Is that because as the renewals come up they 17 have to show proof that they didn't have to show 18 before? Is that the reason? What would be the reason 19 why all 18 million have not shown proof of 20 US citizenship?</p> <p>21 A. Because some of the people indicated that they 22 were citizens prior to us requiring them to show proof.</p> <p>23 Q. Okay. I think -- all right. That was my 24 question. It was just a bad question.</p> <p>25 But at some point the entire database</p>	<p style="text-align: right;">44</p> <p>1 renewal? You're saying that if the driver's license 2 comes up for renewal and I renew on-line and the box 3 was checked many years ago, it's still checked?</p> <p>4 A. That is correct.</p> <p>5 Q. Okay. All right. And the real -- when you 6 said "real ID compliant," that is the real ID law that 7 we've talked about in other depositions?</p> <p>8 A. Right, that's correct.</p> <p>9 Q. Is Texas real ID compliant, for lack of a 10 better term?</p> <p>11 A. Not at this time, no, sir.</p> <p>12 Q. Okay. All right. Just so that I'll 13 understand this -- and I apologize. So if someone had 14 checked the box "US citizen" many years ago, when would 15 they have to show physical proof that they are actually 16 a US citizen?</p> <p>17 A. Only if our statute changes us -- to require 18 us to recertify the drivers.</p> <p>19 Q. Okay. When would I -- I'm 55 today, as a 20 matter of fact. When would I have to go back into a 21 DPS office to get a driver's license?</p> <p>22 A. Well, it depends on at the time of your 23 renewal. You're allowed alternate means of renewal, 24 which is either on-line, by mail, or over the phone 25 every other renewal period. So if you renewed in the</p>

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<p style="text-align: right;">45</p> <p>1 office last time and you meet all of the criteria, you 2 would be allowed to renew on-line the next renewal 3 cycle.</p> <p>4 Q. And then after that I would have to go back 5 into an office in person?</p> <p>6 A. That is correct.</p> <p>7 Q. And if I went in -- when I go back in to renew 8 and I go into a DPS office, if the database already 9 says "US citizen," I will not be asked for additional 10 proof?</p> <p>11 A. That is correct.</p> <p>12 Q. But if I go in for the first time, okay, I 13 turn 16 or I move here from another state, that's when 14 I need to show physical proof of US citizenship?</p> <p>15 A. That is correct.</p> <p>16 Q. Okay. Thank you for helping me with that.</p> <p>17 MR. BRAZIL: Do you want to take a short 18 break?</p> <p>19 MR. KIESTER: Sure. That would be great.</p> <p>20 MR. BRAZIL: We've been going for an hour 21 or so.</p> <p>22 THE REPORTER: Off the record.</p> <p>23 (Recess from 10:17 a.m. to 10:32 a.m.)</p> <p>24 (Exhibit Nos. 136 through 141 marked.)</p> <p>25 THE REPORTER: Back on the record.</p>	<p style="text-align: right;">47</p> <p>1 Q. Okay. And when you say "prior to," what 2 timeframe?</p> <p>3 A. Prior to 2011. We had a statutory change.</p> <p>4 Q. Okay. Just a couple of follow-up questions on 5 the database we were talking about. Can you search by 6 license revocation, or suspension, things of that 7 nature?</p> <p>8 A. Based on the offense, you mean?</p> <p>9 Q. The database we were talking about. Could you 10 enter a search term to determine how many people have a 11 suspended license or how many people have had their 12 license revoked?</p> <p>13 A. The user cannot. But through the database 14 administrator, if you provide them the enforcement 15 action codes, they can do a search on that.</p> <p>16 Q. Okay. And so can they use any type of search 17 terms, if they want to, or that they're asked for? Is 18 there any limit to that?</p> <p>19 A. The database administrator?</p> <p>20 Q. Yes.</p> <p>21 A. No, it would have to be the field information 22 or the codes that are allowed in the field. You can't 23 just type in suspension. We would have to actually 24 provide them with the enforcement action codes that we 25 wanted searched.</p>
<p style="text-align: right;">46</p> <p>1 Q. (BY MR. BRAZIL) Back --</p> <p>2 A. Okay. Can I clarify one thing?</p> <p>3 Q. Yes, ma'am.</p> <p>4 A. When I was talking about the limited term and 5 the asylees, I referred to what's on the card as 6 temporary visitor. That's what it was prior to a 7 change in 2011. Now it actually says "limited term." 8 So it says, "Driver License" at the top of the license 9 and then "Limited Term" underneath there, not 10 "Temporary Visitor."</p> <p>11 Q. Okay. So if it's a non-Texas resident 12 driver's license and they have a student visa or 13 they're here for a limited period of time, but they're 14 here legally, it will say what, again, on the face?</p> <p>15 A. It says -- it says, "Limited Term."</p> <p>16 Q. Is everything else the same?</p> <p>17 A. Everything else is the same except for the 18 expiration date is calculated not based on their 19 birthday, but on their lawful presence.</p> <p>20 Q. Okay. And it just -- it doesn't say 21 "Temporary Resident"; it says, "Limited"?</p> <p>22 A. "Limited Term."</p> <p>23 Q. Okay. Did it used to say "Temporary 24 Resident"?</p> <p>25 A. It said "Temporary Visitor" prior to.</p>	<p style="text-align: right;">48</p> <p>1 Q. All right. So you couldn't just use the term 2 "suspension"; you would have to say, "DW -- suspended 3 DWI code," whatever that was?</p> <p>4 A. It's actually a number of codes, yes, sir.</p> <p>5 Q. Right. Okay. Could you determine how many 6 suspensions or revocations there were for a specific 7 period of time?</p> <p>8 A. Yes, sir.</p> <p>9 Q. Okay. But each time you would do that you 10 would have to give a certain code?</p> <p>11 A. You would have to give a certain code and the 12 time period that you wanted.</p> <p>13 Q. So if you wanted to search a year, you could 14 give all the search codes -- or provide all the codes 15 for suspensions, for example?</p> <p>16 A. Yes, sir.</p> <p>17 Q. And it would tell you those individuals and 18 how many in that period of time had a suspended 19 license?</p> <p>20 A. That would be correct.</p> <p>21 Q. Okay. Could you also determine through the 22 administrator how many people were holding an expired 23 Texas driver's license?</p> <p>24 A. Yes, sir.</p> <p>25 Q. Okay. When a driver's license expires, just</p>

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<p>49</p> <p>1 somebody does not renew it -- if I don't renew my 2 driver's license, do I get a letter that says, "Your 3 driver's license has expired. It's now suspended, 4 revoked, or canceled," any of that sort?</p> <p>5 A. No, sir. If -- if your license expires prior 6 -- eight weeks prior to the expiration, a renewal 7 notice is generated, which advises you you can either 8 go on-line or you renew through the mail or go into the 9 driver license office, whichever criteria you meet. 10 And then once that license has expired, that doesn't 11 create a suspension or revocation. It's just an 12 expired license.</p> <p>13 Q. Would your database -- could you do a search 14 by expired driver's license?</p> <p>15 A. Not by expired driver license. You would have 16 to give them the criteria to say "from this date 17 forward."</p> <p>18 Q. I'm not sure I followed that part.</p> <p>19 A. Okay. So, in other words, I couldn't just 20 say, "Look for anything that's expired." What I would 21 look for is an expiration date from this date in the 22 past, any record that had an expiration date, say, 23 prior to today's date, and it would identify all of the 24 records that were expired.</p> <p>25 Q. Okay. For example, you could do a search for</p>	<p>51</p> <p>1 criteria -- or based on any criteria that's in the 2 system. So for geographical, it would be by city or 3 county.</p> <p>4 Q. Okay. Do you know what the criminal penalty 5 is or the charge is for attempting to vote with an 6 invalid photo ID?</p> <p>7 A. No, sir, I do not.</p> <p>8 Q. Do you know if -- if you go to vote and I have 9 an expired driver's license, would the person at the 10 voting -- at the pole know that I had an expired 11 driver's license?</p> <p>12 A. If they looked at the license, it has the 13 expiration date on it.</p> <p>14 Q. Okay. Other than that, there wouldn't be a -- 15 something sent out by DPS to precincts or to the county 16 that says, "These driver's licenses have expired in 17 your county"?</p> <p>18 A. No, sir.</p> <p>19 Q. Okay. What is a driver responsibility 20 surcharge?</p> <p>21 A. A driver responsibility surcharge, that is an 22 administrative action that based on certain violations 23 an additional fine -- or not fine -- an additional 24 charge is done. So, for instance, there's two types. 25 There is what's called points, which is for every</p>
<p>50</p> <p>1 all driver's license that expired -- that were expired 2 as of January 1st, 2014?</p> <p>3 A. Forward. I'm not --</p> <p>4 Q. Wouldn't that be the same thing?</p> <p>5 A. Well, it would -- you have to give them the 6 range. So if I want to see driver licenses that just 7 expired within a certain time period -- and it would 8 have to be ones that are currently expired. So, in 9 other words, I can't just go say, "Show me every 10 license that expired in 2011 and didn't get renewed for 11 a, you know, two-month period." That type of a search 12 would be difficult.</p> <p>13 But if I go in and say, "Show me 14 everything that had an expiration date that is not up 15 to today's date," then it could identify which ones 16 were expired.</p> <p>17 Q. Is there any way to do a generic where it 18 tells you as of today, June the 9th, 2014, this many 19 driver's license --</p> <p>20 A. Are currently expired?</p> <p>21 Q. -- have expired, yes.</p> <p>22 A. Yes, sir.</p> <p>23 Q. Okay. And then could you break that down by 24 geographical area, race, age?</p> <p>25 A. You could break it down based on the</p>	<p>52</p> <p>1 movement violation that you are convicted of, you get 2 two points. If a crash is involved, it adds an 3 additional point. So it could be for one -- if you 4 have an offense and a crash, you would get 5 three points.</p> <p>6 If you get six points or more within a 7 36-month period, then we do what's called a point 8 surcharge. It's \$100 for the six points and \$25 for 9 each point after that. You -- that is assessed 10 annually. So if you reach six or more points, you 11 would be put into the point surcharge, and then 12 one year from that initial surcharge there would be an 13 evaluation of your record to determine do you still 14 meet the criteria. If you do, then an additional 15 surcharge would be given. If not, then that one is 16 done.</p> <p>17 There's standalone offenses, which is 18 driving while intoxicated, driving while license 19 invalid, no insurance, and no DL. And those come with 20 just a surcharge for three years from the date of 21 conviction. So once you're convicted of, say, no 22 insurance, you would get an initial surcharge, and then 23 for two consecutive years you would get an additional 24 surcharge for that.</p> <p>25 Q. And what was the last one after no insurance?</p>

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<p style="text-align: right;">53</p> <p>1 A. It was no insurance, no driver license. 2 Q. And DWI? 3 A. DWI. 4 Q. And I thought there was a fourth one. 5 A. DWLI. It's driving while license invalid. 6 Q. Okay. Would I get a letter that says, "You 7 now are being surcharged"? 8 A. Yes. You would get a letter notifying you of 9 what the offense was and what the dollar amounts were 10 and the opportunities for payment. For that you can 11 either pay it upfront or make installment payments. 12 Q. And if I fail to pay upfront or make 13 installment payments, what happens to my license? 14 A. Your license is suspended because you go into 15 default. 16 Q. Is there any way to get that waived? 17 A. The fee? 18 Q. Yes. 19 A. You can get it reduced based on your income 20 levels -- 21 Q. Okay. So I can -- 22 A. -- for indigency. 23 Q. All right. So I can get it reduced based on 24 my income? 25 A. Yes, sir.</p>	<p style="text-align: right;">55</p> <p>1 came from the DPS website, did it not? 2 A. Yes, sir. It is available on the website and 3 in the office. This is the application for a driver 4 license or identification card. 5 Q. And the information required is the same for 6 both on this application? 7 A. For the driver license and the identification 8 card, yes, sir, with the exception of the medical 9 questions. 10 Q. And the medical questions are only for the 11 Texas driver's license? 12 A. That's correct. 13 Q. Okay. Let me show you 138, which appears to 14 be from the DPS website as well? 15 A. That's correct. 16 Q. And would you identify this document for the 17 record? 18 A. This indicates the driver license fees and 19 the -- well, it's actually the page for the 20 identification card fees. 21 Q. So this is the website information for someone 22 trying to obtain a personal identification card and the 23 fees that are associated therewith? 24 A. That is correct. And this -- when I referred 25 to the \$15 earlier, that's the statutory fee. This</p>
<p style="text-align: right;">54</p> <p>1 Q. Okay. But if it's not paid, either the 2 reduced amount or the full amount, it goes into 3 suspension? 4 A. Correct. 5 Q. Do I get a notice of suspension? 6 A. Yes, sir. 7 Q. Let me ask you just to identify some 8 documents. There's another attorney on the phone that 9 may have some questions about these, but I want to get 10 you to identify these documents for the record. 11 Exhibit No. 136 was taken, I believe, 12 from the DPS website. Would you identify that for us? 13 A. Yes, sir. This is on the website. It is also 14 a pamphlet that is provided to customers. 15 Q. And it is -- what would you call this? 16 A. It's just basic information of what they need 17 to bring when they're applying for a driver license or 18 identification card. 19 Q. Okay. For the record, it says, "Texas 20 Driver's License Document Requirements"?</p>	<p style="text-align: right;">56</p> <p>1 actually includes the \$1 transaction fee as well that's 2 charged in the office. 3 Q. Okay. And the transaction fee, is that just 4 on-line or is that in the office? 5 A. That's in the office as well as on-line. 6 Q. All right. Let me show you what is 139. 7 MR. KEISTER: Thanks. 8 Q. (BY MR. BRAZIL) That is also a page from the 9 DPS website, is it not? 10 A. That is correct. This is the -- from the DPS 11 website for the driver license fees. 12 Q. Okay. This also includes the 13 \$1 administrative fee? 14 A. Yes. Yes, sir, that's correct. 15 Q. All right. You may not have seen this 16 exhibit, but this is Exhibit No. 140. I just want to 17 ask you a question about that. 18 MR. KEISTER: Thanks. 19 Q. (BY MR. BRAZIL) Read the paragraph there and 20 I'll ask you a couple of questions. 21 A. Okay. 22 Q. Was there a period of time at which DPS did 23 take fingerprints and do a warrant search for EIC 24 applicants? 25 A. I cannot answer on the fingerprints, but the</p>

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<p style="text-align: right;">57</p> <p>1 warrant message is not in part -- it's not part of the 2 EIC process.</p> <p>3 Q. Was it at one point, or do you know?</p> <p>4 A. Not the warrant. No, sir, the warrant is not.</p> <p>5 Q. Was not?</p> <p>6 A. It is not, because there is, again, as I said, 7 the search and the database tables are completely 8 separate and the message that does the warrant request 9 is imbedded in the driver license application for the 10 DLS and IDs. That same process is not imbedded in the 11 EIC process.</p> <p>12 Q. Has it ever been, to your knowledge?</p> <p>13 A. No, sir.</p> <p>14 Q. And on the fingerprint, do you know if that</p> <p>15 was required at one time and that was stopped?</p> <p>16 A. I don't believe it was required, but I believe 17 that because the system allowed it at the beginning 18 that prints were captured. But that's -- the system 19 has been modified now.</p> <p>20 Q. Okay. Anything done with those prints, to</p> <p>21 your knowledge?</p> <p>22 A. No, sir.</p> <p>23 Q. And I think we covered this earlier, but if I</p> <p>24 go into a DPS office, you're not sure if I -- if</p> <p>25 there's different signs telling the public what is</p>	<p style="text-align: right;">59</p> <p>1 reports.</p> <p>2 Q. Okay. Is that a question, "Should we be</p> <p>3 counting the number of cards issued or the number of</p> <p>4 persons"?</p> <p>5 A. That's the question, yes, sir.</p> <p>6 Q. Okay. And the answer is, "For the existing</p> <p>7 racial reports we count persons"?</p> <p>8 A. Correct.</p> <p>9 Q. Okay. What's being discussed there?</p> <p>10 A. There was reports that were going to be 11 generated out of the initial process that we programmed 12 for in 2011 before it was stopped, and that was one of 13 the reports that we were working on to determine how 14 many cards were issued and the breakdowns.</p> <p>15 Q. And when you say "and the breakdown," the</p> <p>16 breakdown by race?</p> <p>17 A. By race, yes, sir.</p> <p>18 Q. Okay. Is that currently in existence?</p> <p>19 A. I can't answer that. The process that -- when 20 it was reactivated last year, I was not involved with 21 that process, so I don't know if they used the initial 22 reports or not.</p> <p>23 Q. So you don't know if it's been changed or they</p> <p>24 went back to the same system?</p> <p>25 A. They went back to the same system, but this</p>
<p style="text-align: right;">58</p> <p>1 required or what will be taken for --</p> <p>2 A. That is correct.</p> <p>3 Q. -- driver's license?</p> <p>4 A. I know there's approved signages for the 5 offices. I can't tell you what that is.</p> <p>6 Q. Okay. Let me show you -- oh, and, by the way,</p> <p>7 that was -- just for the record, I want to identify</p> <p>8 that. That was a -- Exhibit Number --</p> <p>9 A. 140.</p> <p>10 Q. -- 140 was an e-mail dated July 24th, 2013</p> <p>11 from Mr. Peters; is that correct?</p> <p>12 A. That's correct.</p> <p>13 Q. To?</p> <p>14 A. Robert Bodisch initially.</p> <p>15 Q. And then from Mr. Bodisch to Daniel Hodge?</p> <p>16 A. Correct.</p> <p>17 Q. Okay. Let me show you 141 and ask you if</p> <p>18 you've seen that e-mail before.</p> <p>19 And, for the record, while you're looking</p> <p>20 at that, that is an e-mail dated November 15th, 2011 to</p> <p>21 you from Karen Morris?</p> <p>22 A. That is correct.</p> <p>23 Q. Okay. It says, "For the EC racial profile</p> <p>24 reports." What is that?</p> <p>25 A. The election certificate racial profile</p>	<p style="text-align: right;">60</p> <p>1 report I can't tell you whether or not they're actively 2 using it.</p> <p>3 Q. Okay. And I assume there was no report in</p> <p>4 November 2011?</p> <p>5 A. No, sir. That was when we were doing the 6 development phase.</p> <p>7 Q. Okay.</p> <p>8 MR. BRAZIL: I'm going to pass the</p> <p>9 witness at this time and let Jennifer ask you a few</p> <p>10 questions. I'll scan my notes in the meantime.</p> <p>11 EXAMINATION</p> <p>12 BY MS. MARANZANO:</p> <p>13 Q. Hi, Ms. Gipson. This is Jennifer Maranzano.</p> <p>14 I'm representing the United States in this matter. Can</p> <p>15 you hear me okay?</p> <p>16 A. Yes, ma'am.</p> <p>17 Q. Okay. Great. I'm going to jump around a</p> <p>18 little bit here. I'm trying to fill it in some</p> <p>19 additional questions.</p> <p>20 Do all first-time applicants need to 21 appear in person to apply for a Texas driver's license?</p> <p>22 A. Yes, ma'am.</p> <p>23 Q. Do all first-time applicants need to appear in 24 person to apply for a personal ID card?</p> <p>25 A. Yes, ma'am.</p>

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16 (Pages 61 to 64)

<p style="text-align: right;">61</p> <p>1 Q. And in terms of renewals, you and Mr. Brazil 2 discussed on-line renewals, but I believe you said that 3 there's also renewal by mail and by phone; is that 4 correct?</p> <p>5 A. That is correct.</p> <p>6 Q. Who is eligible to renew by mail?</p> <p>7 A. Individuals who their previous renewal was 8 done in person at a driver license office that they had 9 their portrait image on file, that they have a Social 10 Security number on file for driver licenses, not for 11 IDs, and that their US citizen equals yes. And then 12 for driver license, there's some additional 13 restrictions that if that's on the face of the license; 14 for example, daytime only, they are required to go into 15 the driver license. But other than that, they can 16 renew on-line, through the mail, or on phone.</p> <p>17 Q. Okay. And if they renew by phone, do they 18 have to mail anything into DPS?</p> <p>19 A. No, ma'am.</p> <p>20 Q. So it's the same group of people who are 21 eligible for renewal by phone or on-line or by mail; is 22 that right?</p> <p>23 A. That is correct.</p> <p>24 Q. Okay. And how about renewals of personal ID 25 cards? Can they be done in ways other than in person?</p>	<p style="text-align: right;">63</p> <p>1 A. Well, it wouldn't have to be the same if 2 you're using marriage certificates and things like that 3 because the name would then be different.</p> <p>4 Q. So if a person's underlying documents have 5 different names, does that person need to present some 6 form of additional documentation showing the name 7 change?</p> <p>8 A. Yes, ma'am.</p> <p>9 Q. And what if the name on the underlying 10 documents are -- if it's similar, but it's not exactly 11 the same? Would that -- would that disqualify the 12 individual from applying for a Texas driver's license?</p> <p>13 A. I'm not sure what you mean by "similar."</p> <p>14 Q. Well --</p> <p>15 A. So if the situation -- if one says "Robert" 16 and one says, you know, "John," then, no, that would 17 not be acceptable.</p> <p>18 Q. What if one appears to be a nickname? Does 19 the DPS accept documents that -- that have names that 20 look like they could be derivations of the same name?</p> <p>21 A. I -- I don't know that I can answer that 22 fully. It would depend on the name of the -- the name 23 and the types of documents that were being submitted. 24 I would need to see all of the documents to make a 25 determination if we would accept it or not.</p>
<p style="text-align: right;">62</p> <p>1 A. The same way.</p> <p>2 Q. And would it be the same categories of people 3 who would be eligible for renewals on-line, by mail, 4 and by phone?</p> <p>5 A. Yes, ma'am, with the exception of the 6 requirement of the Social Security number.</p> <p>7 Q. Okay. Can you take a look at Exhibit 136 for 8 me?</p> <p>9 A. Okay.</p> <p>10 Q. This is the exhibit that says, "Texas Driver 11 License Document Requirements" at the top. Is this -- 12 can you just look at -- look through it and let me know 13 if it is accurate and current in terms of the 14 requirements that an applicant needs to present in 15 order to get a Texas driver's license?</p> <p>16 A. (Witness reading document.) It appears to be.</p> <p>17 Q. Okay. And is it still accurate and current in 18 terms of the underlying requirement to get a Texas 19 personal ID card?</p> <p>20 A. Yes, ma'am.</p> <p>21 Q. Is it -- is it the case that the name on an 22 individual's underlying documentation that -- that they 23 present when they're applying for a Texas driver 24 license has to be exactly the same on each of the 25 underlying documents?</p>	<p style="text-align: right;">64</p> <p>1 Q. And who makes that determination when someone 2 is applying for a license? Is it the individual, the 3 customer service representative, or is it somebody 4 higher at DPS?</p> <p>5 A. If it's -- if there is something in question, 6 it would be somebody higher. It would be someone in 7 the CSR's chain of command.</p> <p>8 Q. Okay. Is that determination made -- would 9 that determination be made on the spot when the 10 individual is applying, or would there be some sort of 11 time lag while DPS considered the issue?</p> <p>12 A. It would depend on the circumstances. 13 There -- it could be done initially in the office 14 and/or it could require that it come to their -- 15 through their chain of command to their senior 16 managers.</p> <p>17 Q. Okay. Do all of the documents presented by a 18 driver's license applicant need to be original or 19 certified copies?</p> <p>20 A. No, ma'am. The birth certificate -- there are 21 certain documents that do, such as the birth 22 certificate. But not all of the documents have to be 23 originals. The supporting documents can be copies.</p> <p>24 Q. Okay. Can you turn to Page 2 of Exhibit 136? 25 Let's turn your attention to the first brochure that</p>

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<p>1 identification card?</p> <p>2 A. Yes, ma'am.</p> <p>3 Q. In the top box that is labeled "Applicant</p> <p>4 Information," the last line says, "Father's last name</p> <p>5 and mother's maiden name." Do you see that?</p> <p>6 A. Yes.</p> <p>7 Q. What does DPS do with that information?</p> <p>8 A. That information is just captured on the</p> <p>9 application and it is used -- it is not used within the</p> <p>10 driver license system. It is information that can be</p> <p>11 used if there is possible fraud or identity theft.</p> <p>12 Q. And how would you use that information to</p> <p>13 determine whether there's fraud or identity theft?</p> <p>14 A. That would be up to the investigating officer.</p> <p>15 Q. How long has DPS included a question on the --</p> <p>16 on this driver's license or identification card</p> <p>17 application about the applicant's race or ethnicity?</p> <p>18 A. I believe the race has been on there -- gosh,</p> <p>19 I don't even -- I can't even tell you. It's been on</p> <p>20 there for quite some time. The ethnicity of Hispanic</p> <p>21 was added with the implementation of the driver license</p> <p>22 system in 2010.</p> <p>23 Q. And can you look at Exhibit 138 for me?</p> <p>24 A. Okay.</p> <p>25 Q. If you -- I have a few questions about 138 and</p>	<p>69</p> <p>1 Q. And does DPS have any discretion in terms of</p> <p>2 the amount of the fees?</p> <p>3 A. No, ma'am. That's set by statute.</p> <p>4 Q. Is there any policy or procedure by which a</p> <p>5 customer -- or an applicant for a Texas driver's</p> <p>6 license or personal ID can defer payment or set up some</p> <p>7 sort of payment plan?</p> <p>8 A. Not for the application fee.</p> <p>9 Q. For any other fees involved in the process?</p> <p>10 A. For the driver responsibility surcharge</p> <p>11 program they are allowed to make payments.</p> <p>12 Q. Okay. I believe that you talked to Mr. Brazil</p> <p>13 earlier about the fact that child support fees could</p> <p>14 lead to a driver license being suspended; is that</p> <p>15 correct?</p> <p>16 A. That's correct.</p> <p>17 Q. Are there any other fees that if an applicant</p> <p>18 owes these fees would lead to a driver's license</p> <p>19 suspension?</p> <p>20 A. A DSHS overcharge or overpay.</p> <p>21 Q. I'm sorry. What was that?</p> <p>22 A. DSHS, Department of State Health Services, if</p> <p>23 they overpay a customer and that customer fails to</p> <p>24 reimburse them, they can suspend the driver license.</p> <p>25 Q. Okay. Any other fees?</p>	<p>71</p>
<p>1 139, which are for the driver's license?</p> <p>2 A. Okay.</p> <p>3 Q. These -- are these accurate and current lists</p> <p>4 of what the fees are for the Texas personal</p> <p>5 identification card and Texas driver's license?</p> <p>6 A. Yes, ma'am.</p> <p>7 Q. And Exhibit 138 is for the Texas</p> <p>8 identification card; is that correct?</p> <p>9 A. That is correct.</p> <p>10 Q. Exhibit 139 is a list of fees for the Texas</p> <p>11 driver's license, correct?</p> <p>12 A. That is correct.</p> <p>13 Q. Are the fees for these -- for the Texas</p> <p>14 driver's license and the personal identification card</p> <p>15 set by the Legislature?</p> <p>16 A. The base fee is set by statute, and then the</p> <p>17 \$1 transaction fee is for the payment processing.</p> <p>18 Q. Okay. Does DPS have any discretion with</p> <p>19 regard to these fees?</p> <p>20 A. As far as when it is charged or not?</p> <p>21 Q. Yes.</p> <p>22 A. No, ma'am, not other than what's laid out in</p> <p>23 statute, which allows veterans who have 60 percent or</p> <p>24 more disability to waive the fee for the renewal or</p> <p>25 issuance of the ID or DL.</p>	<p>70</p> <p>1 A. Not to my knowledge.</p> <p>2 Q. So if there are tickets that -- that haven't</p> <p>3 been paid, that would not lead to a suspension; is that</p> <p>4 correct?</p> <p>5 A. Yes, ma'am. Sorry. If you're talking about</p> <p>6 citations that have not been paid, then --</p> <p>7 Q. Yes.</p> <p>8 A. -- there's -- there's actually two options.</p> <p>9 If the citation occurred in another state, we are part</p> <p>10 of a nonresident violator compact, so that state can</p> <p>11 notify us. And then if the court is part of the fail</p> <p>12 to appear program in the State of Texas, they can enter</p> <p>13 that person into the system and it denies the renewal</p> <p>14 of their driver license.</p> <p>15 Q. Okay. And are there any fees that would lead</p> <p>16 to license revocation?</p> <p>17 A. I'm not sure what you're asking.</p> <p>18 Q. Well, wasn't -- I thought I understood that</p> <p>19 revocation was a separate category from driver's</p> <p>20 license suspension; is that right?</p> <p>21 A. Yes, ma'am. In the NRVC, the nonresidential</p> <p>22 violator compact, that's considered a revocation.</p> <p>23 Q. Oh, that's a revocation, not suspension?</p> <p>24 A. Yes, ma'am. Sorry.</p> <p>25 Q. Okay. Got it. Okay. Can you look at</p>	<p>72</p>

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19 (Pages 73 to 76)

<p style="text-align: right;">73</p> <p>1 Exhibit 140?</p> <p>2 A. Okay.</p> <p>3 Q. Now, this -- and did you look at that e-mail</p> <p>4 that was from Mr. Peters to Mr. Bodisch at the bottom</p> <p>5 on July 2013? Is that your understanding of how DPS</p> <p>6 handles arrest warrants for -- if an individual is</p> <p>7 applying for a driver's license or a personal</p> <p>8 identification card at a DPS office?</p> <p>9 A. Yes, ma'am.</p> <p>10 Q. So in some cases does DPS arrest applicants</p> <p>11 for one of those forms of ID right outside the DPS</p> <p>12 office building?</p> <p>13 A. Typically they take them into custody while</p> <p>14 they're still inside the building.</p> <p>15 Q. Okay. Is it fair to describe DPS primarily as</p> <p>16 a law enforcement agency?</p> <p>17 A. Yes.</p> <p>18 Q. Are there usually troopers present at DPS</p> <p>19 offices?</p> <p>20 A. They're not present in all offices, no, ma'am.</p> <p>21 Q. Do you know about how many offices they would</p> <p>22 be present in?</p> <p>23 A. I do not.</p> <p>24 Q. What -- how is the determination made of which</p> <p>25 offices they'll be present in and which ones they won't</p>	<p style="text-align: right;">75</p> <p>1 Q. When a person applies for a driver's license,</p> <p>2 do they -- how long does it take for them to obtain the</p> <p>3 driver's license?</p> <p>4 A. Do you mean the actual card or the process to</p> <p>5 get the license?</p> <p>6 Q. The -- how long does it take for them to get</p> <p>7 their actual license?</p> <p>8 A. Okay. So once they've passed all of the</p> <p>9 examinations and provided everything they need and the</p> <p>10 card is issued, they receive it within seven to</p> <p>11 ten days.</p> <p>12 Q. And do they get a temporary license in the</p> <p>13 meantime?</p> <p>14 A. They get a temporary license or a temporary</p> <p>15 receipt with their photo on it.</p> <p>16 Q. And when do they get the temporary receipt?</p> <p>17 A. At the completion of their application.</p> <p>18 Q. Is -- after the person is issued a temporary</p> <p>19 receipt, does DPS do any sort of quality control check</p> <p>20 on the application?</p> <p>21 A. You mean as far as looking to see what the</p> <p>22 application and what documents were presented?</p> <p>23 Q. Yes.</p> <p>24 A. I -- I don't know what kind of quality control</p> <p>25 is done in the office, no, ma'am.</p>
<p style="text-align: right;">74</p> <p>1 be?</p> <p>2 A. That decision is made by the senior managers</p> <p>3 of customer operations, our deputy assistant -- or,</p> <p>4 sorry -- our assistant director Joe Peters, and the</p> <p>5 highway patrol.</p> <p>6 Q. Do certain offices have troopers present all</p> <p>7 the time or do they usually let troopers rotate between</p> <p>8 different offices, or how does that system work?</p> <p>9 A. I can't answer that. That's between the</p> <p>10 senior managers and highway patrol or customer</p> <p>11 operations.</p> <p>12 Q. Okay. Are you aware of a public perception</p> <p>13 that if you owe any fees, such as outstanding tickets</p> <p>14 and enter a DPS office, you'll -- you will be arrested?</p> <p>15 MR. KEISTER: Objection, calls for</p> <p>16 speculation, no foundation.</p> <p>17 But you can answer.</p> <p>18 THE WITNESS: Not to my knowledge. I</p> <p>19 mean, some people, you know, come in knowing they have</p> <p>20 warrants and other people are afraid to go in because</p> <p>21 they -- they don't know.</p> <p>22 Q. (BY MS. MARANZANO) Are you aware of a public</p> <p>23 perception that if you owe any fees, such as</p> <p>24 outstanding tickets, DPS will not issue you an ID?</p> <p>25 A. Not to my knowledge.</p>	<p style="text-align: right;">76</p> <p>1 Q. And when somebody applies for a personal</p> <p>2 identification card, is the process somewhat similar in</p> <p>3 terms of a temporary receipt and then a permanent card</p> <p>4 later?</p> <p>5 A. That's correct.</p> <p>6 Q. And what is the time that it takes to receive</p> <p>7 the permanent personal ID card between when the</p> <p>8 applicant submits their application and when they</p> <p>9 receive the personal identification card?</p> <p>10 A. Once the application process is completed,</p> <p>11 it's seven to ten days.</p> <p>12 Q. Is there any quality control check on personal</p> <p>13 ID cards after the temporary personal ID card is</p> <p>14 issued?</p> <p>15 A. The same thing. I don't know if they do</p> <p>16 quality control within their office.</p> <p>17 Q. Are the permanent driver's license and</p> <p>18 personal ID cards mailed to applicants?</p> <p>19 A. The final card?</p> <p>20 Q. Yes.</p> <p>21 A. Yes, they are mailed.</p> <p>22 Q. Is there a process for getting those cards to</p> <p>23 individuals who may not have a permanent address?</p> <p>24 A. There is a process. We have a onetime mailing</p> <p>25 address that they can obtain -- or that they can be</p>

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20 (Pages 77 to 80)

<p style="text-align: right;">77</p> <p>1 issued to, and it can be sent to shelters or special 2 mailing addresses.</p> <p>3 Q. Is the temporary receipt that is given valid 4 for a temporary amount of time?</p> <p>5 A. It is.</p> <p>6 Q. How long is it valid for?</p> <p>7 A. I believe it's 30 days.</p> <p>8 Q. And is that true for both the Texas driver's 9 license and the Texas personal ID card?</p> <p>10 A. Correct.</p> <p>11 Q. If an individual moves within Texas prior to 12 the expiration date of his or her driver's license, are 13 they required to update their driver's license?</p> <p>14 A. They are.</p> <p>15 Q. What do they need to do to make it -- to sort 16 of register their change of address?</p> <p>17 A. They can either go on-line and apply for a 18 change of address on-line or they can go into the local 19 driver license office.</p> <p>20 Q. And do they get a new picture when they update 21 their address?</p> <p>22 A. If they go into the driver license office they 23 get a new picture. If they do on-line we use the 24 photograph that's on file.</p> <p>25 Q. Does this update change their expiration date?</p>	<p style="text-align: right;">79</p> <p>1 Q. Are you familiar with the election 2 identification certificate?</p> <p>3 A. I am familiar with it, but don't know the 4 details of the processes.</p> <p>5 Q. Were you at all involved in the process of 6 creating the regulations for the issuance of an 7 election identification certificate?</p> <p>8 A. I worked -- in 2011, I worked on the 9 programming side, developing the -- the part within 10 the -- or separate from driver license system, the 11 separate tables for the -- for the election 12 certificate.</p> <p>13 Q. Is it your understanding that the regulations 14 governing election identification certificate issuance 15 were based on the regulations governing Texas driver's 16 license issuance?</p> <p>17 A. Based on my understanding, it was based on the 18 Texas identification card policies.</p> <p>19 Q. The Texas identification card; meaning, the 20 personal identification card and the driver's license?</p> <p>21 A. Yes.</p> <p>22 Q. And then someone with expertise in -- in the 23 requirements to obtain a driver's license and a 24 personal ID card in Texas, do you think it makes sense 25 to base the requirements for an EIC on the requirements</p>
<p style="text-align: right;">78</p> <p>1 A. No, ma'am, not if it's a duplicate or just a 2 change of address on-line.</p> <p>3 Q. And if -- if someone who holds a Texas 4 driver's license changes his or her name before the 5 expiration of the driver's license, what does that 6 person need to do to have -- or does that person need 7 to update their driver's license to reflect their new 8 name?</p> <p>9 A. If they choose to change their name, then they 10 come into the local driver license office and bring the 11 documents verifying the name change. You're not 12 allowed to do a --</p> <p>13 Q. So that --</p> <p>14 A. I'm sorry.</p> <p>15 Q. Oh, yeah, I'm sorry. Continue.</p> <p>16 A. You're not allowed to do a name change 17 on-line.</p> <p>18 Q. And do they get a new picture when they come 19 in to change their name?</p> <p>20 A. When they come into the driver license office, 21 yes, ma'am.</p> <p>22 Q. Does that change alter at all the date of the 23 expiration of the driver's license?</p> <p>24 A. No, ma'am, not if all they're doing is a name 25 change.</p>	<p style="text-align: right;">80</p> <p>1 to get a Texas driver's license and personal 2 identification card?</p> <p>3 A. Yes, because you're establishing identity.</p> <p>4 Q. I want to ask you a question about something 5 that you talked about earlier with Mr. Brazil related 6 to an individual who is not a US citizen, but is in the 7 United States lawfully. I think you said that their 8 Texas driver's license says "Limited Term" on it; is 9 that correct?</p> <p>10 A. That's correct.</p> <p>11 Q. Can you -- can you tell me where on the face 12 of the driver's license it would say "Limited Term"?</p> <p>13 A. It's in the header bar where -- at the very 14 top of the license where the city skyline is. On the 15 upper right-hand side on -- these are over 21s that are 16 the -- it says, "Driver License Or Identification 17 Card," and beneath that it says, "Limited Term."</p> <p>18 Q. Okay. I believe those are all of my 19 questions. Thank you so much for your time.</p> <p>20 A. Thank you.</p> <p>21 FURTHER EXAMINATION</p> <p>22 BY MR. BRAZIL:</p> <p>23 Q. Did you say that the -- both the temporary 24 personal identification card and the temporary driver 25 license have a photo on them?</p>

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21 (Pages 81 to 84)

<p style="text-align: right;">81</p> <p>1 A. Yes, sir.</p> <p>2 Q. Okay. They were good for, you believe, about</p> <p>3 30 days?</p> <p>4 A. Yes, sir.</p> <p>5 Q. Okay. The database or databases that we've</p> <p>6 been talking about during your deposition, are those</p> <p>7 shared with any other agency or with the Legislature on</p> <p>8 any regular basis?</p> <p>9 A. The database itself is not, but data extracted</p> <p>10 from there is.</p> <p>11 Q. Okay. Is it on a case-by-case basis or</p> <p>12 request basis or is it done automatically? How --</p> <p>13 what's done with that, to your knowledge?</p> <p>14 A. It -- it depends. There is multiple ways that</p> <p>15 that data is shared. We have users that do what's</p> <p>16 called an entire file and they receive weekly updates,</p> <p>17 and they get basic information on individuals who apply</p> <p>18 for a license. And then if they're part of the weekly</p> <p>19 update, they get any records that had a change within</p> <p>20 that prior week.</p> <p>21 We also do certain data extracts for the</p> <p>22 Attorney General's Office, Secretary of State, just</p> <p>23 different ones. There's multiple entities that we</p> <p>24 provide data to.</p> <p>25 Q. And so the people that may get updates</p>	<p style="text-align: right;">83</p> <p>1 THE REPORTER: Off the record.</p> <p>2 (Proceedings concluded at 11:19 a.m.)</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
<p style="text-align: right;">82</p> <p>1 automatically, those are counties or cities or law</p> <p>2 enforcement agencies, or what?</p> <p>3 A. They can be counties, cities, or private</p> <p>4 entities, as long as they qualify for the information</p> <p>5 under the Privacy Act.</p> <p>6 Q. Okay. And what do they use that information</p> <p>7 for? For example, a county, what would they use that</p> <p>8 for?</p> <p>9 A. I can't answer that. I don't know what all</p> <p>10 they would use it for.</p> <p>11 Q. Is there a fee associated with a county or</p> <p>12 some agency or some private entity getting this</p> <p>13 information?</p> <p>14 A. If it's -- if it's a public entity, there's a</p> <p>15 fee associated with it. If it's a governmental agency,</p> <p>16 there's no fee associated.</p> <p>17 Q. If it's a private entity there is a fee?</p> <p>18 A. Correct.</p> <p>19 Q. If it's a public entity it's not?</p> <p>20 A. That's correct.</p> <p>21 Q. Okay. Thank you. Appreciate your time.</p> <p>22 MR. BRAZIL: That's it.</p> <p>23 MR. KEISTER: All right. Well, we'll</p> <p>24 reserve ours until the time of trial, and the witness</p> <p>25 wants to read and sign, please.</p>	<p style="text-align: right;">84</p> <p>1 WITNESS CORRECTIONS AND SIGNATURE</p> <p>2 Please indicate changes on this sheet of paper,</p> <p>3 giving the change, page number, line number, and reason</p> <p>4 for the change. Please sign each page of changes.</p> <p>5 PAGE/LINE CORRECTION REASON FOR CHANGE</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p style="text-align: right;">SHERI GIPSON</p>

IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

MARK VEASEY, JANE)	CIVIL ACTION
HAMILTON, SERGIO DELEON,)	
FLOYD J. CARRIER, ANNA)	NO. 2:13-CV-193 (NGR)
BURNS, MICHAEL MONTEZ,)	[Lead case]
PENNY POPE, OSCAR ORTIZ, KOBY)	
OZIAS, JOHN MELLOR-CRUMLEY,)	
PEGGY HERMAN, EVELYN)	
BRICKNER, GORDON BENJAMIN,)	
KEN GANDY, LEAGUE OF UNITED)	
LATIN AMERICAN CITIZENS)	
(LULAC), AND DALLAS COUNTY,)	
TEXAS,)	
)	
Plaintiffs,)	
)	
V.)	
)	
RICK PERRY, GOVERNOR OF TEXAS)	
AND JOHN STEEN, TEXAS)	
SECRETARY OF STATE,)	
)	
Defendants.)	

2

1 UNITED STATES OF AMERICA,)
2 Plaintiffs,) CIVIL ACTION
3) NO. 2:13-CV-263 (NGR)
3 TEXAS LEAGUE OF YOUNG VOTERS) [Consolidated case]
EDUCATION FUND, IMANI CLARK,)
4 AND MICHELLE BESSIAKE,)
5 Plaintiff-Intervenors,)
6 TEXAS ASSOCIATION OF HISPANIC)
COUNTY JUDGES AND COUNTY)
7 COMMISSIONERS, HIDALGO)
COUNTY, AND MARIA LONGORIA)
8 BENAVIDES,)
9 Plaintiff-Intervenors,)
10 V.)
11 STATE OF TEXAS, JOHN STEEN,)
in his official capacity as)
12 Texas Secretary of State; and)
STEVE McCRAW, in his official)
13 capacity as Director of the)
Texas Department of Public)
14 Safety,)
15 Defendants.)
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1 *****
2 ORAL REALTIME DEPOSITION OF
3 THE MALC 30(B)(6) WITNESS
4 MARTIN GOLANDO
5 JUNE 24, 2014
6 *****
7 ORAL REALTIME DEPOSITION OF MARTIN GOLANDO,
8 produced as a witness at the instance of the DEFENDANTS,
9 and duly sworn, was taken in the above-styled and
10 numbered cause on the 24th day of June, 2014, from
11 9:34 a.m. to 2:09 p.m., before STEVEN STOGEL, CSR in and
12 for the State of Texas, reported by machine shorthand,
13 at the Offices of the Texas Attorney General, 209 West
14 14th Street, Austin, Texas, pursuant to the Federal
15 Rules of Civil Procedure and the provisions stated on
16 the record or attached hereto.
17
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19
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3

1 TEXAS STATE CONFERENCE OF)
NAACP BRANCHES; and the) CIVIL ACTION
2 MEXICAN AMERICAN LEGISLATIVE)
CAUCUS OF THE TEXAS HOUSE OF) NO. 2:13-CV-291 (NGR)
3 REPRESENTATIVES,) [Consolidated case]
4 Plaintiffs,)
5 V.)
6 JOHN STEEN, in his official)
capacity as Secretary of)
7 State of Texas; and STEVE)
McCRAW, in his official)
8 capacity as Director of the)
Texas Department of Public)
9 Safety,)
10 Defendants.)
11 BELINDA ORTIZ, LENARD TAYLOR,) CIVIL ACTION
EULALIO MENDEZ JR., LIONEL)
12 ESTRADA; ESTELA GARCIA) NO. 2:13-CV-348 (NGR)
ESPINOSA, LYDIA LARA,) [Consolidated case]
13 MARGARITO MARTINEZ LARA,)
MAXIMINA MARTINEZ LARA, AND)
14 LA UNION DEL PUEBLO ENTERO,)
INC.,)
15 Plaintiffs,)
16 V.)
17 STATE OF TEXAS; JOHN STEEN,)
in his official capacity as)
Texas Secretary of State; and)
19 STEVE McCRAW, in his official)
capacity as Director of the)
20 Texas Department of Public)
Safety,)
21 Defendants.)
22
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5

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14 FOR THE DEFENDANTS THE STATE OF TEXAS, RICK PERRY, JOHN
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ALSO PRESENT:
22 Mr. Steven Stogel, Court Reporter
23
24
25

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25	6 1 INDEX 2 3 Appearances..... 5 4 5 MARTIN GOLANDO 6 Examination by Mr. Tatum..... 8 7 Reporter's Certificate..... 168 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25	7 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25	8 1 MR. TATUM: Good morning. My name is 2 Stephen Tatum. I'm an Assistant Attorney General 3 representing the State of Texas in this litigation. It 4 is June 24th. The time is 9:30, and we are here at the 5 Price Daniel building, the Attorney General's offices in 6 Austin, Texas. 7 MARTIN A. GOLANDO, 8 having been first duly sworn, testified as follows: 9 EXAMINATION 10 BY MR. TATUM: 11 Q. Would you state and spell your full name for 12 the record, please? 13 A. Martin Anthony Golando, M-A-R-T-I-N, Anthony, 14 A-N-T-H-O-N-Y, Golando, G-O-L-A-N-D-O. 15 Q. Mr. Golando, where do you reside? 16 A. San Antonio, Texas. 17 Q. Are you represented by counsel today? 18 A. I am. 19 Q. And who is that? 20 A. Ms. Rudd. 21 MR. TATUM: And while we're there, let's 22 go ahead and make introductions. I don't think we've 23 done that on the record yet. I've said who I am. 24 Mr. Golando, you've introduced yourself. 25 MS. RUDD: Amy Rudd for the Texas State
	7 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25		9 1 Conference of the NAACP and MALC and the witness today. 2 MS. MILLER: And I'm Angela Miller for 3 the U.S. Department of Justice on the phone. 4 MR. WHITLEY: And I'm David Whitley for 5 the defendants. I can give you a card. 6 Q. (By Mr. Tatum) Mr. Golando, have you ever 7 been deposed before? 8 A. No, sir. 9 Q. So this is your first time being the subject 10 of a deposition? 11 A. Being the subject, that's correct. 12 Q. Okay. Let me first go over some ground rules 13 that will control for this deposition. I'm going to be 14 asking you questions, and I need you to give me audible 15 answers. This means you need to say "yes" instead of 16 nodding your head, and you need to say "no" instead of 17 shaking your head. And try to avoid saying "uh-huh" or 18 "hmm hmm," things like that. We need to have audible 19 answers so the court reporter can get a clean record of 20 what's said here today. Do you understand? 21 A. I do. 22 Q. And on that note, I ask that you please wait 23 until I finish asking my question before you begin to 24 answer, and I'll try to do the same for you. This is 25 easier said than done. I just ask that we try to let

1 Q. You were born in Missouri?
 2 A. Correct.
 3 Q. Had some schooling in Indiana, made your way
 4 to Chicago, and eventually Texas. Is that correct?
 5 A. There's lots of -- there's many more states in
 6 between there, but, yes, that's generally correct.
 7 Q. Okay.
 8 A. Yeah.
 9 Q. And what year did you graduate from law
 10 school?
 11 A. 2007.
 12 Q. Aside from a law degree, do you have any other
 13 professional qualifications?
 14 A. By which you mean certifications?
 15 Q. Sure.
 16 A. No.
 17 Q. Are you currently licensed to practice law?
 18 A. Currently, and in good standing.
 19 Q. In the state of Texas?
 20 A. Correct.
 21 Q. In what areas of practice do you have
 22 experience?
 23 A. I'm an election law attorney, largely. I've
 24 done several election contests, and I represent elected
 25 officials in helping them comply with their ethical

1 A. Since May 1st.
 2 Q. Of this year?
 3 A. Correct.
 4 Q. Did you have any role at MALC before you
 5 became general counsel?
 6 A. Yes. It was basically the same job without
 7 the title. I weighed in on the legal consequences of
 8 actions. I weighed in on the day-to-day operations. I
 9 worked very closely with the executive director. It's
 10 essentially the same job with the title, so...
 11 Q. Is your current role as general counsel -- is
 12 that a paid position?
 13 A. Yes.
 14 Q. Is that a full-time position?
 15 A. By full time, do you mean do I get a W-2 from
 16 MALC? I never have got a W-2 from MALC. I get a --
 17 they 1099 me, or whatever. I'm a vendor, essentially.
 18 Q. So prior to becoming general counsel, you were
 19 employed in a general counsel-type role at MALC. It
 20 just wasn't called general counsel. Correct?
 21 A. Right. I think it's listed in the C&E as a
 22 consulting, but it's -- I do the same general things I
 23 did before.
 24 Q. Okay. As general counsel, what are your
 25 official duties and responsibilities?

1 compliance rules. I'm a voting rights attorney. I have
 2 some background in voting rights. Anything I can get
 3 paid for, frankly. So if you need something, let me
 4 know.
 5 Q. Mr. Golando, are you currently employed?
 6 A. I'm self-employed.
 7 Q. Does that mean you have a solo practice?
 8 A. I do. I have a couple of different business
 9 enterprises. One is a solo practice.
 10 Q. Do you office here in Austin?
 11 A. No, not currently. I will soon, hopefully,
 12 but mostly in San Antonio.
 13 Q. Mr. Golando, what is your role at MALC? And
 14 before you answer that question, let me just go ahead
 15 and say here, when I say "MALC," I mean the Mexican
 16 American Legislative Caucus. And throughout this
 17 deposition, I might say "MALC" or "you" or "your," and
 18 when I say that, I mean MALC unless I specifically
 19 indicate otherwise. Do you understand?
 20 A. I do.
 21 Q. Okay. So getting back to my question, what is
 22 your role at MALC?
 23 A. I am the general counsel of MALC. That's my
 24 title.
 25 Q. And how long have you held that position?

1 A. I make sure that we comply with all ethical
 2 laws that caucuses have to do for reporting. I weigh in
 3 on the legal consequences of certain actions we might
 4 take. I'm a strategic and tactical thinker for MALC on
 5 our policy positions. I do policy development. I weigh
 6 in on employment practices and how to train employees,
 7 and I do -- and I work very closely with the Executive
 8 Director to try to make sure we accomplish our
 9 objectives.
 10 Q. And who is the Executive Director?
 11 A. Summer Luciano.
 12 Q. So would you say that you wear -- in a legal
 13 capacity, you wear many different hats at MALC?
 14 A. Surely. I think that's fair.
 15 Q. Who do you report to?
 16 A. The chairman, Martinez Fischer.
 17 Q. Do you manage anyone?
 18 A. I used to manage people as his chief of staff,
 19 but I stopped being his chief of staff on May 1st, and
 20 now I basically -- I don't think I'm directly managing
 21 anybody currently, so...
 22 Q. So you were formerly the chief of staff for
 23 Representative Trey Martinez Fischer. Correct?
 24 A. That is correct.
 25 Q. And how long did you hold that position?

	<p>30</p> <p>1 Q. Are you prepared to testify to Topic 23?</p> <p>2 A. Yes, sir.</p> <p>3 Q. Last page. Topic 24 states, "Any allegations,</p> <p>4 whether substantiated or unsubstantiated or concerns</p> <p>5 relating to voter fraud raised by your members or their</p> <p>6 constituents or which were communicated to you from 2004</p> <p>7 to the present."</p> <p>8 Have you been designated to testify to</p> <p>9 Topic 24?</p> <p>10 A. Yes.</p> <p>11 Q. Are you prepared to testify to Topic 24?</p> <p>12 A. Yes.</p> <p>13 Q. Topic 25 states, "Any calculations, reports,</p> <p>14 audits, estimates, projections, or other analyses done</p> <p>15 by you, commissioned by you, or in your possession,</p> <p>16 custody, or control relating to voter fraud from 2004 to</p> <p>17 the present."</p> <p>18 Have you been designated to testify to</p> <p>19 Topic 25?</p> <p>20 A. Yes.</p> <p>21 Q. Are you prepared to testify to Topic 25?</p> <p>22 A. Yes.</p> <p>23 Q. Finally, Topic 26 states, "Any calculations,</p> <p>24 reports, audits, estimates, projections, or other</p> <p>25 analyses done by you, commissioned by you, or in your</p>	
	<p>31</p> <p>1 possession, custody, or control, relating to election</p> <p>2 crimes from 2004 to the present."</p> <p>3 Have you been designated to testify to</p> <p>4 Topic 26?</p> <p>5 A. Yes.</p> <p>6 Q. Are you prepared to testify to Topic 26?</p> <p>7 A. Yes.</p> <p>8 Q. Okay. Mr. Golando, I'd like to ask you a few</p> <p>9 questions regarding MALC generally.</p> <p>10 Can you describe the purpose and mission</p> <p>11 of MALC?</p> <p>12 A. The purpose of MALC is to assist the members</p> <p>13 of MALC and their staffs in being prepared to be a voice</p> <p>14 for the Mexican Americans of Texas. That's the purpose.</p> <p>15 It's also listed in their bylaws, so...</p> <p>16 Q. So that's a stated mission that's in your</p> <p>17 bylaws?</p> <p>18 A. Correct.</p> <p>19 Q. How long has MALC been in existence?</p> <p>20 A. Since 1973. So 40 years -- 40-plus years.</p> <p>21 Q. And how was it formed?</p> <p>22 A. It was a caucus. There's rumors about how it</p> <p>23 was formed, in the back of a closet, but just members</p> <p>24 of -- Mexican American members of the Legislature at</p> <p>25 that time formed together a group. And I think at the</p> <p>1 beginning it was both the House and Senate, and at some</p> <p>2 point there was a bifurcation between the two, so...</p> <p>3 Q. Does MALC have -- as a result of that</p> <p>4 bifurcation, does it have an equivalent organization in</p> <p>5 the Senate?</p> <p>6 A. Yeah. There's a Hispanic caucus. The chair,</p> <p>7 I think, is Jose Rodriguez.</p> <p>8 Q. Do y'all regularly work with the Senate</p> <p>9 Hispanic caucus?</p> <p>10 A. Define "regularly."</p> <p>11 Q. Are y'all involved organizationally with the</p> <p>12 Senate Hispanic caucus?</p> <p>13 A. Yes. I know Luis very well. Luis Figueroa is</p> <p>14 the liaison, I guess, for the Senate Hispanic caucus,</p> <p>15 and I've worked with him for many years.</p> <p>16 Q. But is MALC a separate entity unto itself from</p> <p>17 the Senate Hispanic caucus?</p> <p>18 A. Absolutely.</p> <p>19 Q. Okay. How is MALC organized?</p> <p>20 A. We are a (c)3 and a (c)6 and a legislative</p> <p>21 caucus.</p> <p>22 Q. Describe what it means to be a legislative</p> <p>23 caucus.</p> <p>24 A. It's organized under the House housekeeping</p> <p>25 resolution. There's a portion dedicated to the creation</p> <p>1 of legislative caucuses, which are groups of legislators</p> <p>2 for various purposes. So it's organized under that</p> <p>3 statute. And legislative caucuses also have certain</p> <p>4 reporting requirements under the -- the C&E reports for</p> <p>5 the Ethics Commission. I think that covers it, so...</p> <p>6 Q. How was MALC organized internally?</p> <p>7 A. There is an executive committee made up of the</p> <p>8 chair, the vice chair, the legal counsel, the treasurer,</p> <p>9 and the secretary. So it's five legislators who run for</p> <p>10 leadership posts within MALC, and they make most of the</p> <p>11 executive decisions. By "internally," do you also mean</p> <p>12 staff?</p> <p>13 Q. Sure.</p> <p>14 A. There's Executive Director Summer, and general</p> <p>15 counsel, me, and then there are two policy analysts,</p> <p>16 part time and full time, roughly.</p> <p>17 Q. So everyone on the Executive Committee is also</p> <p>18 a legislator?</p> <p>19 A. Correct. MALC is made up of legislators.</p> <p>20 It's a group of legislators.</p> <p>21 Q. Do you work under the legal counsel?</p> <p>22 A. No. I report to their chairman,</p> <p>23 Representative Martinez Fischer.</p> <p>24 Q. Okay. And is the Executive Committee elected</p> <p>25 by the membership of MALC?</p>	33

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1 A. Correct.
 2 Q. And how long do they serve on the Executive
 3 Committee?
 4 A. Roughly two years, and then there's elections
 5 either during the session or just before the session,
 6 right after the election, so...
 7 Q. And this is all in the bylaws, everything
 8 you've told me so far?
 9 A. Yes, sir, that's correct.
 10 Q. Do you know how many members MALC has?
 11 A. 41, I believe.
 12 Q. Does that stay the same over the years, or
 13 does that fluctuate?
 14 A. It fluctuates. In 2011, I think we had 39.
 15 In 2013, we had 40, I believe. And now we have 41
 16 because Celia Israel just won a special election, and
 17 she's decided to be a MALC member.
 18 Q. That leads me to my next question. You stated
 19 that she's decided to be a MALC member. How does one
 20 become a MALC member?
 21 A. There are two ways. I think if you're
 22 Mexican-American, you're entitled to automatic
 23 admittance if you accept and -- or if you're a Latino.
 24 But if you're not Latino but represent a majority Latino
 25 district, you can get in through a committee process.

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1 You get the normal provisions that come with being part
 2 of a legislator group, where you can work together to
 3 form coalitions with other groups to pass legislation.
 4 You get information.
 5 So MALC members will call MALC staff to
 6 help us -- help them research ideas. We do some measure
 7 of policy development, and we'll do anything we can for
 8 members to help pass their bills or help them with an
 9 initiative they have.
 10 In addition, we have space, and sometimes
 11 our space is used for events. There's other things that
 12 we can offer. We do basically everything we can for our
 13 members.
 14 Q. You mentioned that space. Where is that
 15 space?
 16 A. 202 West 13th Street, which is about a block
 17 away from here. And we have space 204, which is
 18 essentially a meeting space for caucus meetings or
 19 for -- if MALC members want to meet with their
 20 constituents there, it's our privilege to have them
 21 there, so...
 22 Q. If you're a member of MALC, are you authorized
 23 to speak on MALC's behalf?
 24 A. No.
 25 Q. Who is authorized to speak on MALC's behalf?

35

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1 It's all listed in the bylaws, so...
 2 Q. Are there fees or dues involved with being a
 3 member of MALC?
 4 A. There are.
 5 Q. Do you know how much those dues are?
 6 A. I think it's \$300 for a two-year cycle. I
 7 think that's right. It may be \$300 a year. I can't
 8 recall exactly. It's nominal.
 9 Q. Are there different levels of membership, or
 10 is it you're a member of MALC and that's what everyone
 11 is?
 12 A. I think you're a member of MALC and that's
 13 what everyone is.
 14 Q. Okay. Is MALC a partisan organization?
 15 A. No.
 16 Q. So the membership of MALC is comprised of both
 17 Republicans and Democrats. Is that --
 18 A. Correct.
 19 Q. -- correct?
 20 A. Correct. I'm sorry. I didn't mean to cut you
 21 off.
 22 Q. No problem. What kind of privileges or
 23 benefits come with being a member of MALC?
 24 A. I think you get to speak as a unified voice on
 25 matters of importance to the Mexican-American community.

1 A. The chairman.
 2 Q. Only the chairman?
 3 A. I believe that's true in the bylaws, that he
 4 has a specific bylaw that says the chairman is
 5 authorized to make executive decisions and speak on
 6 MALC's behalf. In practice, though, it rarely ever
 7 comes up. There may be some certain designees by the
 8 chairman, "You can speak on this matter for us. You can
 9 speak on public education for us," but that's usually by
 10 designation.
 11 But I think as a matter of bylaw, I think
 12 only the chairman has the authority to speak on behalf
 13 of MALC.
 14 Q. So if someone seeks the official position of
 15 MALC, they will seek that from the chairman,
 16 Representative Martinez Fischer?
 17 A. That's right. Yes, sir.
 18 Q. You mentioned employees and staff of which
 19 you're a part. Do you know how many, roughly, employees
 20 or staff that MALC employees?
 21 A. It fluctuates. During the session, there's
 22 obviously more. And there's also the MALLF fellows
 23 program. So they're paid for by the MALLF foundation,
 24 but they are in the staff of certain representatives who
 25 request and want MALLF fellows. Currently we have four

	<p>38</p> <p>1 employees, and some -- I think we have two interns. 2 Q. I'm sorry. You said MALC has four employees? 3 A. Currently. And if you count me as an 4 employee, and I think you should, even though I'm 5 technically a vendor. It's kind of a strange 6 difference, right, but -- 7 Q. So when you say you're a vendor, does that 8 mean you kind of operate on a contract basis? 9 A. That's correct, a month-to-month, 10 nonrefundable retainer, thankfully, so... 11 Q. You were just mentioning MALLF, I believe? 12 A. Yes. 13 Q. M-A-L-F? 14 A. There's two Ls, I believe. Mexican American 15 Legislative Leadership Foundation. That's the (c)3. 16 Q. Okay. So that is a -- MALLF falls under the 17 umbrella of MALC? 18 A. Correct. 19 Q. And what is the purpose of MALLF? 20 A. To fund fellowships for college students and 21 graduates to get a stipend to work in MALC member 22 offices so they can learn about the Legislature. 23 Q. Okay. 24 A. It's the Moreno/Rangel program. 25 Q. Aside from the benefits and privileges that</p>		<p>40</p> <p>1 Lots of people give MALC money. Some individuals, some 2 corporations, I believe, and some PACs do. Members give 3 us money, too, through their dues, so... 4 Q. So y'all receive funding through individual 5 donations? 6 A. Occasionally. It's rare, but yes. 7 Q. Do y'all receive funding through corporate 8 donations? 9 A. I believe that's true. I'd have to check our 10 C&E. I'm not sure to what degree we get corporate 11 funding or not, but -- 12 Q. So the C&E reports, which you said are 13 publically available, they detail the sources and 14 amounts of the funding that MALC receives? 15 A. That is absolutely correct. I think we are 16 one of the few legislative caucuses that detail every 17 one of our contributions and expenditures. 18 Q. Do y'all receive funding from sponsorships? 19 A. What does that mean? 20 Q. Do y'all hold any events that are sponsored by 21 corporations or other entities? 22 A. Truly. 23 Q. What kind of events do y'all -- what kind of 24 such events do y'all hold? 25 A. Annually we have a MALC golf tournament, which</p>
	<p>39</p> <p>1 come with being a member of MALC, which you just 2 described, who does MALC serve other than its members? 3 A. We serve our members and, by extrapolation, 4 their constituents. 5 Q. Does MALC maintain active communications with 6 the constituents of its members? 7 A. We get some contact from the constituents of 8 members, some people at large will call us, contact us 9 about voter ID issues or redistricting issues or other 10 issues that we're at the forefront of. It happens 11 occasionally, yes. 12 Q. So when a constituent calls you, as you said, 13 are they calling to communicate with MALC as an 14 organization or to communicate with one of its 15 individual members? 16 A. The former, MALC as an organization, so... 17 Q. Now, you stated that MALC is a nonprofit 18 organization. Correct? 19 A. That's correct. 20 Q. From where does MALC receive funding? 21 A. It's listed in our C&E reports. So lots of 22 PACs give to us -- 23 Q. I'm sorry. Your -- 24 A. I'm sorry. C&E reports, contribution and 25 expenditure reports. So it's a matter of public record.</p>		<p>41</p> <p>1 will be October 2nd this year if you guys want to come 2 in. And as part of that, there's, you know, various 3 events that are individually sponsored or sponsored by 4 people who give money to legislators, essentially. 5 We also have policy convenings that are 6 rare now because we've had a tremendous diversion of 7 resources because of these voting rights issues, but -- 8 you know, there are other sponsored events, too. We did 9 a Diez y Seis event at the Capitol. 10 Q. I'm sorry. Could you say that again? 11 A. Diez y Seis event at the Capitol. September 12 16th is the Mexican-American independence, and there was 13 grito at the Capitol. It was a big event with -- I 14 think we partnered with some Latino television shows. 15 It was a great event. I was not present, unfortunately, 16 but I heard it was great. And during the session -- 17 which is not a sponsored event, but we had a huge 18 concert for Mexican-Americans. I don't know if you 19 recall. It was toward the end of the session. We had 20 8,000 people come from Austin to hear our MALC members 21 and a Latino musician come play at the Capitol. It was 22 a great event. 23 Q. Was that a fundraising event? 24 A. No. We can't -- we're subject to the 25 moratorium. We don't fundraise during session.</p>

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1 Q. Do you fundraise outside of session?
2 A. Yeah, you have to, you know, unless you have a
3 money tree. It would be great if you can plant one of
4 those, but --

5 Q. You mentioned policy convenings?

6 A. Correct.

7 Q. Could you describe those a little more?

8 A. I think three years ago we had an energy
9 convening where we had MALC members and important
10 decision-makers and other policy decision-makers come
11 together and talk about energy policy in Texas. It was
12 an amazing event. As a policy professional, I saw
13 honest bilateral dialogue on important matters that I
14 believe became an idea nursery for several of the
15 session's best ideas. Anyway, we have some of that, but
16 less than we used to because of the diversion of
17 resources.

18 Q. How many resources are required to put on one
19 of these policy convenings?

20 A. It depends. It's variable.

21 Q. Does MALC organize and execute these policy
22 convenings by itself?

23 A. Yes, largely. I'm not sure what you mean by
24 yourself. Maybe you can explain a little bit better.

25 Q. Are these policy convenings -- are they put on

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1 by MALC in conjunction with some other organization that
2 helps split the cost of running such a meeting?

3 A. No. It's run by MALC.

4 Q. Okay.

5 A. I mean, we'll have sponsorships sometimes, but
6 mostly MALC staff, MALC funded.

7 Q. And how often are those typically held?

8 A. You know, when I first began working for
9 Trey -- when Trey first began at MALC, which was
10 December of 2008, we had several MALC meetings during
11 the session and we had -- I think we had a MALC
12 convening at the golf tournament, so a couple times a
13 year. And now I think we're down to one every two
14 years, roughly, so...

15 Q. What would you say is MALC's largest source of
16 funding?

17 A. You know, I don't know. I'm sorry. It may be
18 EFH or AT&T. But it's listed in our C&E reports, so I
19 think that's probably the best descriptor of where we
20 get our money from.

21 Q. What is EFH?

22 A. Energy Future Holdings. It's an energy
23 company that was part of the TXU private buy-out.

24 Q. So would you say your largest source of
25 funding comes from corporate donations?

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1 A. I don't know. Again, I think the best source
2 of that is to review -- you can do a spreadsheet, and I
3 could do that for you if you'd like. But it's probably
4 from PACs, frankly, and not from corporations
5 themselves.

6 Q. But again, that information would be in the
7 C&E report --

8 A. Correct.

9 Q. -- that you mentioned?

10 A. Yes, sir.

11 Q. Do you know if any of those C&E reports have
12 been produced to the defendants in this litigation?

13 A. You know, I think they have been, but I -- I
14 know that we -- we've done a lot of document production,
15 so -- thousands of documents, I believe. I'm not sure
16 exactly what's in there. I know that if they were in my
17 computer, then you guys received them. But they are
18 also public documents that you can download, so...

19 Q. Where can they be downloaded from?

20 A. The Texas Ethics Commission. It's
21 www.tec.state.tx.us. And there's a prompt on the
22 left-hand side where you can do an advanced search. You
23 can look at all of MALC's and MALLF's, both their caucus
24 C&E reports.

25 Q. Does MALC prepare an annual budget?

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1 A. Yes.

2 Q. And who has the ultimate authority over that
3 budget?

4 A. The chairman.

5 Q. So can the chairman decide to make last-minute
6 unilateral changes to that budget?

7 A. Surely. It rarely happens, but yes.

8 Q. Are the annual budgets of MALC publicly
9 available?

10 A. No.

11 Q. Does MALC budget or reserve space in its
12 annual budget for set dedicated operating funds?

13 A. I don't know what you mean by that. We have
14 budget categories. You know, there's a certain amount
15 for staff or for staff positions. There's a certain
16 amount for rent. Rent is very expensive. There's a
17 certain amount for, you know, our other policy
18 focuses -- foci. And large portions of that have been
19 dedicated for the last four years to voting rights,
20 so...

21 Q. Does MALC reserve any space in its annual
22 budget for funds that can be allocated on an as-needed
23 basis?

24 A. I don't know. I don't think so. I -- it's --
25 budgets are always documents of priorities, right, and

1 they're also highly variable, depending on how much you
 2 take in in terms of how much you raise. Right?
 3 We try to keep a corpus of a certain
 4 amount of money that we won't go below, and I think
 5 we've gone below that. We are currently in the worst
 6 budget situation that we've ever had since I've been
 7 here, and it's almost entirely because of our -- the
 8 last four years of voting rights litigation and advocacy
 9 on behalf of MALC.

10 Q. Can you approximate a percentage of your
 11 annual budget that's been dedicated towards voting
 12 rights litigation?

13 A. I can't, but I can approximate a current
 14 budget, my time. I get paid a certain amount, and 80 to
 15 90 percent of my time is dedicated to voting rights
 16 litigation. So voting rights takes up 80 percent of my
 17 time with MALC. So that's less time for me to do policy
 18 development. It's less time for me to work with members
 19 about their own bills. It's less time for us to focus
 20 on our core mission.

21 Q. You mentioned the core mission of MALC. Can
 22 you describe generally the kinds of activities that MALC
 23 regularly engages in in furtherance of its core mission?

24 A. We try to develop policies to advance that
 25 core mission. We work with our members with their own

1 time. They kind of get jammed together.
 2 Q. So it was December 2010 is when your
 3 involvement with MALC began?
 4 A. One second. I'm sorry. I'm trying to
 5 remember. It was 2009, because Pete was in the
 6 legislature. He was the chairman right before Trey.
 7 Q. When you say "Pete" --
 8 A. Pete Gallego. I'm sorry. Representative
 9 Gallego at the time. But Trey was chairman for one
 10 session when Pete wasn't. So that's why it was 2000 --
 11 so I was right. It was December 2008. I'm losing my
 12 mind a little bit, so...
 13 Q. Would this be a good time to take a short
 14 break?
 15 A. No. I'm square. I'm good.
 16 Q. If you ever need to take a short break, please
 17 just let me know.
 18 A. I'll just leave, so I'll be fine.
 19 Q. I'd appreciate it if you'd tell me before you
 20 just leave.
 21 A. I'm just teasing.
 22 Q. Okay. Since you've been with MALC -- and
 23 let's call that since 2008.
 24 A. December, yes, sir.
 25 Q. December 2008. What has MALC done to track

1 bills. We try to pass their agenda. We work with their
 2 staffs to make sure that their staffs are the best
 3 prepared that they can be. We try to speak with
 4 unanimity on issues of importance with the
 5 Mexican-American community, and generally do everything
 6 you can to try to speak with one voice about matters of
 7 importance to the community as a whole, which includes
 8 things like, you know, press releases, policy agendas,
 9 and every other public kind of statements you can make,
 10 so...

11 Q. And what kinds of resources are devoted to
 12 these core activities?

13 A. Financial resources, staff resources, and
 14 time.

15 Q. So you said you started with MALC in 2008. Is
 16 that correct?

17 A. That's when Trey began as chairman. I was his
 18 chief of staff then.

19 Q. Okay.

20 A. It was my job to act as a liaison and to some
 21 measure deliver his message to MALC staff at the time.
 22 So I guess the MALC staff, in some way, were managed by
 23 me. He was elected in December of 2008.

24 I'm sorry. I apologize. It was December
 25 of 2010. I'm off by two years. I've worked for a long

1 and follow voter ID legislation since then?
 2 A. We help develop amendments. We certainly did
 3 track the various voter ID bills that were filed at the
 4 time. We helped develop procedural points of order and
 5 questions of order. We developed Q and As for our
 6 members and for the chairman to ask between the speaker
 7 and he. We developed a strategy dealing generally with
 8 all that, and we worked to try to prevent its passage.
 9 Q. Does MALC consider the tracking of voter ID
 10 legislation and the work you just described as part of
 11 its core mission?
 12 A. Yes. I think that's part of what we do, is --
 13 as a legislative organization, is to track legislation.
 14 Q. Does MALC monitor voter ID legislation being
 15 proposed or enacted in other states?
 16 A. Generally. I think Texas is unique in many
 17 ways, so the laws of Wisconsin or Pennsylvania or South
 18 Carolina or Indiana or Georgia have tangential relevance
 19 to what we do here. But as part of investigating any of
 20 these things, you should know what they're doing in the
 21 states. And so I know generally what they did, so...
 22 Q. Do you recall any specific voter ID laws in
 23 other states that MALC has specifically spent resources
 24 tracking or following?
 25 A. You know, I don't know the state, but I

<p>1 remember one had a photo ID requirement with a waiver -- 2 an affidavit pass. So you could sign a waiver saying 3 who you were. And there were less restrictive policies 4 considered in all states compared to Texas. And I'm 5 much more familiar with kind of the evolution of the 6 voter ID policy here, obviously. By my estimation, we 7 have the most stringent voter qualification law in the 8 states, but that's maybe a limited opinion, so...</p> <p>9 Q. Does MALC communicate with members of other 10 state legislatures regarding these proposed voter ID 11 legislations in other states?</p> <p>12 A. Not regarding voter ID. There are some 13 inter-caucus relationships through the Board of Hispanic 14 Caucus Chairs, and there was a legislator in -- a 15 Republican legislator in Florida who is very close with 16 my boss and Representative Anchia. So they may have 17 spoken about voter ID, but nothing formally between the 18 two caucuses.</p> <p>19 Q. Do you remember who that legislator in Florida 20 was?</p> <p>21 A. He's a really nice guy. I forget his name. I 22 can look it up and make my answer more full. I would 23 know him if I saw him. I apologize. I don't remember 24 his name. Nice guy, though. Smart guy.</p> <p>25 Q. At the end of the deposition, I'll give you an</p>	<p>50</p> <p>1 MALC regarding its stances or positions in regards to 2 voter ID legislation in Texas?</p> <p>3 A. They haven't. I hope that they would, because 4 several of our members are very -- have a deep knowledge 5 of this area and how it affects the Latino community. 6 And I think that however it affects the Latinos here in 7 Texas, it probably affects them in Nevada the same way 8 or California or New Mexico, Arizona, all throughout the 9 American Southwest. I would hope we could be a model 10 for them.</p> <p>11 Q. So y'all don't have any direct communication 12 with members of other state legislatures regarding voter 13 ID legislation. Do y'all exchange documents or 14 materials with other members of other state legislatures 15 regarding voter ID legislation?</p> <p>16 A. No, not to my knowledge. We haven't yet.</p> <p>17 Q. Does MALC engage in any kind of activities 18 related to voter registration?</p> <p>19 A. Only through our membership, but nothing 20 directly by the caucus itself. I think it would be 21 inappropriate for MALC to do that.</p> <p>22 Q. When you say only through your membership, 23 what does that mean?</p> <p>24 A. If the legislators themselves do a voter 25 registration drive -- they're members of MALC, but</p>
<p>51</p> <p>1 opportunity to clarify or amend any kind of answers, so 2 if you think about it between now and then --</p> <p>3 A. Surely.</p> <p>4 Q. -- you will have an opportunity to state it at 5 the end.</p> <p>6 A. Surely.</p> <p>7 Q. So sorry. Just to get back to voter ID being 8 proposed in other states and communications with members 9 of other state legislatures about voter ID legislation.</p> <p>10 Did you testify that MALC does not 11 communicate with other states regarding voter ID laws?</p> <p>12 A. That's correct. I think that we've sent some 13 letters -- I remember a letter before Trey was 14 chairman -- I think Pete sent a letter to the Illinois 15 legislature. And there was a time in which the Delaware 16 legislature wanted to form its own Latino caucus, and I 17 think that Representative Gallegos, now Congressman 18 Gallegos, had discussed the bylaws. And I think that 19 MALC is a model for these various legislative groups. 20 That's what I meant. There was nothing formal there, 21 but there has been some inter-caucus communications, but 22 I can't speak to the depth of it for voter ID.</p> <p>23 Q. So if there were a legislative caucus in 24 another state that was dealing with or opposing a voter 25 ID legislation, would they ever reach out or contact</p>	<p>53</p> <p>1 they're doing a voter registration drive for whatever 2 reason. So through our members they register voters, 3 but nothing directed because of the caucus actions.</p> <p>4 Q. So if a member of MALC engages in any kind of 5 activity related to voter registration, are they doing 6 so in their individual capacity as a legislator and not 7 as a member of MALC?</p> <p>8 A. I think that's correct.</p> <p>9 Q. So is it correct to say that MALC does not 10 expend any resources towards voter registration 11 activities?</p> <p>12 A. Voter registration?</p> <p>13 Q. Yes.</p> <p>14 A. No.</p> <p>15 Q. Does MALC engage in any kind of activities 16 related to voter education?</p> <p>17 A. Absolutely.</p> <p>18 Q. Could you describe those activities?</p> <p>19 A. We are an information hub about the law, and 20 so our duty is to inform our members so they can inform 21 the constituents how various laws might affect them, 22 specifically SB 14. Over the last -- since SB 14 began 23 to be enacted last year, we have received lots of 24 requests by legislators about what the law means and how 25 they can talk to the constituents about the law, what</p>

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1 their requirements are. And so MALC has been a resource
 2 for voter education for the members themselves.
 3 And there's also been members of the
 4 community who would call up and ask what does the law
 5 mean, and we would tell them to the best of our
 6 knowledge, to give them resources as best we can.
 7 We have an electronic newsletter that we
 8 send out every week called The Caucus, and voter ID
 9 has -- and SB 14 and its requirement have been a central
 10 part of each of those, which I think we gave to you in
 11 our document productions. Also our public statements,
 12 where we try to educate voters about the effects of
 13 voter ID and what the requirements are in order to
 14 educate them for their vote, have been prominent. We've
 15 also given you those things, too.

16 So it's my experience that we've devoted
 17 a lot of resources to be an information hub to voter
 18 educate on this issue, so...

19 Q. So do y'all expend or commit resources to
 20 educate both members of MALC about voter ID laws and
 21 constituents of members of MALC about voter ID laws?
 22 A. I think that's right. I think that The Caucus
 23 doesn't just go out to members. And our public
 24 statements obviously travel wherever they go. And so I
 25 think that it's for the public and for the members

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1 SB 14.
 2 Q. When you say "a radical uptick," can you
 3 exemplify that by a certain percentage?
 4 A. I think it's very difficult to empirically say
 5 X amount of time or money was spent on this issue
 6 because there's lots of indirect costs that you may not
 7 be aware of or you might miss.
 8 I will just say this: When we began
 9 working as a chairman, Trey had a vision for MALC to
 10 have a broad, comprehensive policy horizon that changed
 11 the way in which MALC and Latino issues were talked about.
 12 We've done some part of that, but his goal for MALC was
 13 to be able to talk about roads, transportation, energy,
 14 and to devote staffers to those core concepts. We've
 15 been unable to do that because of the last four years
 16 with the diversion of resources in order to answer the
 17 clarion call to combat this bill and its law.
 18 Q. But when you say "a radical uptick in
 19 resources," what is that based on?
 20 A. My prior knowledge of the budget. I just know
 21 that we had a vision to hire policy analysts for complex
 22 financial transactions. We had a vision to talk about
 23 transportation and water policy and a more complex and
 24 fundamental way to kind of change the way in which
 25 people thought about Latino policy, and we've been

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1 themselves.
 2 Q. Can you tell me what kinds of resources are
 3 committed towards voter education activities?
 4 A. First you have to understand the law in order
 5 to talk about it. So much of my job is to suss out the
 6 law and understand it. So some portion of my salary is
 7 dedicated to that.

8 Our public statements via press releases,
 9 Facebook responses, or through our caucus, are written
 10 by staff. There is staff time devoted to that. It
 11 costs money to do those things. The cost of contact --
 12 I think we actually use a different email platform that
 13 costs money each month to -- you have to develop the
 14 words for this. There's editing involved in that.

15 Anyways, long story short, I think that
 16 lots of staff time is diverted from our core purpose,
 17 which is policy development and member relations, to
 18 educating on this topic, so --

19 Q. Did MALC commit resources towards voter
 20 education purposes prior to SB 14?
 21 A. Not to my knowledge. There may have been some
 22 resources committed to talk about the law generally, but
 23 there's been a radical uptick -- a logarithmic increase
 24 in the amount of money, time, staff that we spent
 25 educating our members and the public at large about

1 fundamentally unable to do those things because of our
 2 diverted focus to voting rights issues. And I guess I
 3 could -- I'm not sure how I could empirically show it to
 4 you, but I just know it's true, so...

5 Q. Does MALC engage in any kind of activities
 6 related to assisting voters during elections?
 7 A. Only through voter education. I assume by
 8 assisting voters you mean helping them to the polls or
 9 GOTV effort. That would be inappropriate for a (c)3 or
 10 a (c)6.

11 Q. When you say "GOTV," is that get out the vote?
 12 A. That's correct. We don't do that. We just --
 13 we voter educate as much as we possibly can.

14 Q. Do you have any knowledge of MALC's policy or
 15 advocacy-related work with regard to voter ID
 16 legislation prior to December 2008?

17 A. Surely.

18 Q. Could you describe MALC's policy or advocacy
 19 working prior to 2008 with regard to voter ID
 20 legislation?

21 A. Yes. It's the same general thing. We did
 22 lots of amendments, lots of Q and A, lots of points of
 23 order by and through our membership and their staffs to
 24 try to defeat the bill in 2005, 2007, 2009. If you look
 25 back at the chubathon, lots of those people doing the

<p>58</p> <p>1 chubathon were MALC members. Representative Raymond, I 2 think, had almost a whole day to himself where he talked 3 off a whole bunch of bills. So I think that MALC 4 members have played a central role in advocating against 5 the bill in its various forms.</p> <p>6 Q. When you say "chubathon," is that in reference 7 to the practice known as chubbing?</p> <p>8 A. Yes, sir.</p> <p>9 Q. And what is chubbing?</p> <p>10 A. It's where you elongate the time on a bill, 11 longer than it normally would take, either through Q and 12 A or just long talking.</p> <p>13 Q. Is that a procedural tactic that MALC 14 regularly employs?</p> <p>15 A. Not regularly, but it happens -- legislators 16 employ it. I think it happens once a session; although, 17 I can't point to a time this last session when it 18 happened. Toward the end of any deadline, I think 19 there's always kind of a legislative desire to start 20 hitting the bricks. This was much different. This was 21 a concerted caucus-wide effort to defeat a bill by 22 literally talking off 150 bills off the calendar. It 23 was amazing.</p> <p>24 Q. Do you remember what bill was defeated in that 25 instance?</p>	<p>60</p> <p>1 would publicize its support or opposition to a voter ID 2 bill?</p> <p>3 A. By and through its members and public 4 statements issued by the caucus itself, public 5 statements issued by members of the Executive Committee 6 or the chairman. I don't know if we ever did a policy 7 paper on it, but we may have. Representative Anchia had 8 several statements. He's a member of MALC. I think 9 that's exhaustive. There may be some things I'm missing 10 like social media, but I don't think our social media 11 really began until a little bit later, so...</p> <p>12 Q. Does MALC have a Twitter account?</p> <p>13 A. You know, I think we do. I don't think it's 14 operational. Usually Trey's Twitter account is kind of 15 the central point for public statements, either as Trey 16 or as MALC chairman.</p> <p>17 Q. But MALC employs various modes of social media 18 to communicate with its members and the constituents of 19 its members. Is that correct?</p> <p>20 A. Yes, sir. And the public at large. Right.</p> <p>21 Q. Sure.</p> <p>22 A. I don't think I can --</p> <p>23 Q. So has MALC been engaging in voter education 24 activities related to various voter ID bills since 2004?</p> <p>25 A. I can't speak to 2004, 2005. I can only speak</p>
<p>59</p> <p>1 A. It was the Troy Fraser bill. I think it was 2 SB 362, if I recall correctly. But again, the numbers 3 kind of come together in my -- and it wasn't necessarily 4 his bill that was talked off. His bill was on the 5 calendar, and there was an intervening local calendar. 6 And so the local calendar took six days to get through, 7 five or six days, which it would normally take four or 8 five hours.</p> <p>9 Q. Was that in 2009?</p> <p>10 A. Correct.</p> <p>11 Q. Has MALC ever taken a public position in 12 support for or in opposition of a voter ID-related bill?</p> <p>13 A. I think so. I think that we had some press 14 releases against the bill. I think Trey's public 15 statements as MALC chairman were against the bill. I 16 think that we provided those to you as much as we had 17 them in our custody.</p> <p>18 Q. When you say "the bill," do you mean SB 14?</p> <p>19 A. That's correct. All the bills. I'm trying to 20 remember -- I don't remember, in 2005, if there was a 21 concerted press release issued by Chairman Gallego at 22 the time, and I don't remember in '07 and '09 directly, 23 but I know that Trey has made various statements, and 24 certainly in '09 and '11 against the bill, so...</p> <p>25 Q. Could you describe all the ways that MALC</p>	<p>61</p> <p>1 to the recent uptick since the bill has been passed. 2 Voter education is probably not necessary if there is -- 3 the bill hasn't been passed or implemented. Right? 4 Although, sometimes I think members 5 receive questions or MALC receives questions saying, "Do 6 I have to bring my ID or not?" Right? That's a form of 7 voter education. But before the passage we would say, 8 "No," and after the passage we would say, "Yes." 9 I would just say generally there has been 10 a tremendous increase in the amount of information 11 requested and provided by MALC on this issue, so... 12 Q. And when you say "this issue," you mean SB 14? 13 A. Correct, the implementation of SB 14.</p> <p>14 MR. TATUM: Can we take a quick break for 15 a few minutes?</p> <p>16 MS. RUDD: That would be great.</p> <p>17 THE WITNESS: Surely.</p> <p>18 MR. TATUM: We'll go off the record.</p> <p>19 (Recess from 10:41 a.m. to 10:49 a.m.)</p> <p>20 (Exhibit No. 2 marked)</p> <p>21 Q. (By Mr. Tatum) Mr. Golando, I'm handing you 22 what's been marked as Exhibit 2. And I believe you 23 stated that you reviewed this document, but just to make 24 sure: Do you recognize what this document is?</p> <p>25 A. I believe this is what I reviewed.</p>

<p>1 Q. And what is this document?</p> <p>2 A. It's our intervention, I believe, or our</p> <p>3 complaint. I get confused between the two.</p> <p>4 Q. I'll represent to you that this is the</p> <p>5 complaint that initiated MALC's involvement in this</p> <p>6 lawsuit. Did you assist with the preparation of this</p> <p>7 document?</p> <p>8 A. No. Sadly.</p> <p>9 Q. Is it true that MALC does not claim that SB 14</p> <p>10 causes injury to any of its members?</p> <p>11 A. I believe that's true in the following way.</p> <p>12 I've thought about this deeply for a while, and I think</p> <p>13 that the passage of the bill did harm our members. I</p> <p>14 think it's harmful whenever the State of Texas passes a</p> <p>15 racist law, and in that sense it harms members of the</p> <p>16 minority community and their representatives very</p> <p>17 gravely.</p> <p>18 So I think that -- I'm not sure what's</p> <p>19 said in the complaint on that score, but I believe that</p> <p>20 there has been an immeasurable but serious harm to my --</p> <p>21 the members of my organization.</p> <p>22 Q. Mr. Golando, I ask that question because I</p> <p>23 have an email from one your counsel, Ms. Lindsey Cohan,</p> <p>24 stating that MALC is not asserting individual injury to</p> <p>25 any of its members.</p>	<p>62</p> <p>1 conclusion.</p> <p>2 A. Yes, organizationally, I think that's right.</p> <p>3 Q. (By Mr. Tatum) Is MALC asserting the rights</p> <p>4 of the constituents of its members in this lawsuit?</p> <p>5 A. To the degree that we represent the</p> <p>6 Mexican-American community, of course.</p> <p>7 Q. Is that because MALC believes that SB 14</p> <p>8 denies or abridges the right to vote of constituents of</p> <p>9 MALC members?</p> <p>10 A. Correct.</p> <p>11 Q. Do members of MALC believe that SB 14 will</p> <p>12 affect their constituents' ability to elect or reelect</p> <p>13 them?</p> <p>14 A. Yes.</p> <p>15 Q. With regard to standing, is it MALC's position</p> <p>16 that it is only representing the interests of itself as</p> <p>17 an organization in joining this lawsuit?</p> <p>18 MS. RUDD: Wait. Can you repeat that,</p> <p>19 Stephen?</p> <p>20 MR. TATUM: Sure.</p> <p>21 Q. (By Mr. Tatum) On the issue of standing, is</p> <p>22 it MALC's position that it is only representing the</p> <p>23 interests of itself as an organization in joining this</p> <p>24 lawsuit?</p> <p>25 MS. RUDD: Objection; calls for a legal</p>
<p>63</p> <p>1 MS. RUDD: Okay. Let me just clarify</p> <p>2 that. I believe our position is that MALC is not</p> <p>3 asserting individual injury to any of its members for</p> <p>4 purposes of proving standing in this case. I think</p> <p>5 that's a separate question from whether or not as an</p> <p>6 esoteric matter SB 14 and voter ID legislation has some</p> <p>7 form of harm or creates some sort of injury for members</p> <p>8 generally speaking. But that's certainly true for</p> <p>9 purposes of standing, Stephen.</p> <p>10 MR. TATUM: Okay.</p> <p>11 Q. (By Mr. Tatum) Okay. So, Mr. Golando, do you</p> <p>12 agree that for purposes of standing, MALC is not</p> <p>13 asserting individual injury to any of its members</p> <p>14 because of SB 14?</p> <p>15 MS. RUDD: And I'm just going to object</p> <p>16 to the extent that that calls for a legal conclusion.</p> <p>17 A. I guess that's true. I would say that none of</p> <p>18 the members are probably going to be directly affected</p> <p>19 by voter ID. None of them are going to be prevented</p> <p>20 from voting. But again, I reassert that there is</p> <p>21 immeasurable harm when a racist law is passed and harms</p> <p>22 members of the minority community the most.</p> <p>23 Q. (By Mr. Tatum) So is MALC asserting the</p> <p>24 rights of its members in this lawsuit?</p> <p>25 MS. RUDD: Objection; calls for a legal</p>	<p>64</p> <p>1 conclusion.</p> <p>2 A. I don't really know the parameters of</p> <p>3 standing. I mean, I do, because I'm an attorney, but</p> <p>4 I -- what I will say is that MALC sought this because --</p> <p>5 in the interest of its members in the community and as</p> <p>6 an organization. So I'm not sure that answers your</p> <p>7 question, but maybe if you say it again, I'll try to do</p> <p>8 it.</p> <p>9 Q. (By Mr. Tatum) Well, let me just ask: Why</p> <p>10 did MALC join this lawsuit?</p> <p>11 A. Because we believe that members of our</p> <p>12 community and the legislators themselves will be deeply</p> <p>13 harmed by its passage and have been.</p> <p>14 Q. When did MALC first learn of this lawsuit?</p> <p>15 A. This one -- the Section 2 one?</p> <p>16 Q. Yes.</p> <p>17 A. In the fall of 2013.</p> <p>18 Q. And how was it decided that MALC would join</p> <p>19 this lawsuit?</p> <p>20 MS. RUDD: Okay. I'm going to object to</p> <p>21 the extent that calls for you to reveal any</p> <p>22 communications, Marty, that were had between you and the</p> <p>23 organization in your capacity as an attorney or with</p> <p>24 other attorneys for MALC in determining what to do in</p> <p>25 this lawsuit.</p>

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1 members to my knowledge or MALC as an organization sent
 2 a letter to the DOJ saying, "Please sue." I don't think
 3 that happened. I think if there was advocacy, it was
 4 limited to just, "We think this is a bad law. Something
 5 should be done," and it was probably mostly done in
 6 relation to Section 5 and not Section 2.

7 Q. Does MALC feel that its interests are not
 8 adequately represented by the United States of America
 9 in this lawsuit?

10 A. Yes.

11 Q. And why is that?

12 A. I think that there are unique requirements for
 13 Latino-elected officials and their constituents that
 14 aren't necessarily represented by the DOJ. I say that
 15 with all respect to the DOJ, so...

16 Q. Is MALC as an organization harmed by SB 14?

17 A. Yes.

18 Q. In what ways is MALC harmed by SB 14?

19 A. For the last four years, roughly, we have
 20 diverted a tremendous amount of financial resources and
 21 staff time and other resources to educate the public
 22 about its effects and to combat its implementation.

23 Q. Can you tell me what portion of MALC's annual
 24 budget is diverted towards educating Texans specifically
 25 about SB 14?

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1 Q. In what way has MALC been unable to fulfill
 2 its mission because of SB 14?

3 A. The mission of MALC is to have a comprehensive
 4 voice about all matters of importance to the
 5 Mexican-American community, to provide assistance to our
 6 member legislators and their staffs in order to further
 7 that goal. The comprehensive goal is not just related
 8 to the traditional civil rights issue.

9 Like I said before, Trey's goal for the
 10 caucus was to have a diverse and new policy horizon for
 11 MALC members and Latino policy. That current goal is
 12 under serious constraints because of our diversion of
 13 resources. It's sad, but it's true.

14 Q. Does MALC consider its SB 14-related
 15 activities as outside the scope of its mission?

16 A. The voter education portion -- I wouldn't say
 17 it's necessarily outside the scope of the mission, but
 18 it certainly has taken away from the core mission which
 19 is a comprehensive policy voice. Comprehensive means
 20 more than just one thing. Right? If we wanted to talk
 21 about water or transportation, complex financial
 22 transactions, other issues that aren't considered Latino
 23 issues, we wanted to change that, and we have been
 24 unable to do so because of the devotion of the time and
 25 resources to this issue, so...

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1 A. The portion -- about 80 percent of my salary
 2 is devoted to voting rights -- 80 percent of my time and
 3 therefore 80 percent of my salary, whatever it is, has
 4 been devoted to voting rights issues in Texas generally.

5 I think that whatever space that we have
 6 in our electronic correspondence, our weekly newsletter,
 7 its cost -- and usually one-third of the copy is devoted
 8 to SB 14 or voter ID or status update on litigation. So
 9 whatever the monthly cost of that is.

10 Plus the staff time itself. We're not
 11 hourly. We're flat rate, and so it's hard to determine
 12 what percentage, but a significant percentage. It's
 13 prevented us from having lots of policy convenings that
 14 we might want. And most recently I think that a good
 15 example is that we have a border crisis right now for
 16 UACs, unaccompanied children, and it would be a
 17 traditional role of MALC to play a bigger role, have a
 18 convening, talk about what the needs are for border
 19 protection and how we can ameliorate this immediate
 20 situation, and we haven't been able to focus on it
 21 because of the diversion of staff time and focus and
 22 financial resources, unfortunately.

23 Q. Does MALC contend that it is unable to fulfill
 24 its mission because of SB 14?

25 A. Yes, in part.

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1 Q. Do you know what percentage of MALC's
 2 financial resources have been diverted towards the
 3 litigation of this lawsuit?

4 A. This lawsuit, we've been lucky enough to have
 5 little litigation expenses associated with this. We had
 6 a lot more travel during the Section 5 trial. Mr.
 7 Garza's salary, some part of it has been devoted to
 8 this. And obviously, some portion of my salary is
 9 devoted to this; although, I'm not involved with the
 10 litigation, more the voter education policy development
 11 side of it. I guess it's a mixed bag. I couldn't say
 12 specifically, but there has been some resources -- some
 13 significant financial resources devoted -- I guess -- a
 14 bunch, I guess.

15 Q. Who is Mr. Garza?

16 A. He is my co-counsel in the redistricting
 17 matter. He's also lead counsel for some of the
 18 individual intervenors in this case, and he advises the
 19 representative on voting rights matters.

20 Q. And redistricting matters?

21 A. Yes, he's the counsel on redistricting. But
 22 to be clear, some portion of his salary throughout the
 23 last three years has been dedicated to voter ID.

24 Q. Has MALC publicized its participation in this
 25 lawsuit?

1 A. Yes, I believe so.
2 Q. In what ways?
3 A. Press releases. I think we did a press call
4 when we intervened. Trey talks about the litigation
5 generally. We do less talking about it and more voter
6 education now than we used to. But, yes, we certainly
7 talk about it publicly.

8 Q. In the course of publicizing its involvement
9 in this lawsuit, has MALC sought donations or
10 contributions from its normal sources of funding?

11 A. Do you mean is voter ID something we
12 fundraised off of? Is that your question?

13 Q. Yes.

14 A. No. You can't fundraise off of voter ID.

15 Q. Why not?

16 A. It's deeply controversial. So our traditional
17 sources of funding are from institutional givers to
18 legislators. Right? Those legislators have a
19 multifaceted business, and they don't want to give
20 to controversial groups. In fact, our fundraising
21 levels have slowly decreased over time, in part because
22 of our intervention and complaint in this lawsuit. You
23 can't fundraise off this issue. You just can't. It may
24 give you cachet because you're a voting rights leader,
25 and that means something in the Latino community, but

1 may be more supportive of redistricting efforts that
2 MALC has been under, but it's less true for voter ID.
3 But I don't know for certain if any of
4 the statements -- any of the money we receive from
5 certain PACs, if those PACs themselves have said, "We
6 support voter ID or your efforts."

7 I don't recall, so -- but it would
8 be -- if it did, it would be a very small percentage of
9 the financial undertaking, so...

10 Q. So is it your testimony that MALC has seen its
11 donations and or sponsorships decrease as a result of
12 its involvement with this lawsuit?

13 A. This and other lawsuits, yes, I think that
14 that's empirically true. And our costs have
15 skyrocketed.

16 Q. You mentioned that costs have skyrocketed, but
17 I believe it was your testimony that you had minimal
18 costs related to this litigation. Is that --

19 A. I thought you meant litigation. Other costs
20 have skyrocketed, like voter education and other
21 efforts. That's how I understood your question, so...

22 Q. Again, I don't want to mischaracterize your
23 testimony. How would you describe the resources of MALC
24 that have been devoted to the litigation of this
25 lawsuit?

1 there's no way you can fundraise off it meaningfully.

2 Q. Has MALC attempted to fundraise off of SB 14?

3 A. No, sir.

4 Q. Does it have any plans to attempt to fundraise
5 off of SB 14?

6 A. No, sir.

7 Q. Is that because it believes it's just not
8 possible to do so?

9 A. Not meaningfully possible. I don't think
10 that's -- I don't think I can go to our institutional
11 givers and say, "Hey, fund this lawsuit. And by the
12 way, give us more money." That's not the way it works,
13 so...

14 Q. Do you think that some of your organizational
15 givers might agree with your involvement in this
16 lawsuit?

17 A. They may individually, but certainly the
18 organizations that they represent probably would not;
19 although, some of them may. A very small percentage
20 may.

21 Q. Have any of these organizations expressed
22 support for MALC's involvement in this lawsuit?

23 A. I'm trying to think. I believe that -- in
24 this lawsuit? That's more true for redistricting,
25 because if you represent a PAC that's a labor union, you

1 A. Some portion of my salary, some portion of
2 Mr. Garza's salary. Salary is kind of a loose term
3 here. It's just what MALC pays them. Some portion of
4 the -- our public statements, whatever they cost to
5 generate by staff or by the Executive Director, some
6 portion of our fixed costs associated with electronic
7 distribution there, some portion of our administrative
8 costs devoted to dealing with staff and paper,
9 et cetera, some portion of our rent, right, because
10 we've had some legal meetings about this litigation
11 between me and Mr. Garza and the representative there.

12 I mean, there's lots of indirect costs
13 that you could add up, but it adds up to a pretty big
14 number, I imagine, in terms of constraints. Our travel
15 costs during the Section 5 trial.

16 Q. Would the allocation of resources towards the
17 litigation of this lawsuit, would -- those be evident in
18 the C&E documents that you referenced earlier?

19 A. They would largely be evident. The travel
20 would be apparent, because it would have been during the
21 Section 5 trial. You would see a plane ticket for me or
22 Mr. Garza, and the costs for lodging. So that would be
23 during -- I guess that was July of 2012.

24 You would see my salary. As I said, some
25 portion of my salary is dedicated to this litigation and

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1 to voter education generally.
 2 Mr. Garza is less apparent because he's
 3 more of a mixed bag. He gets paid more for
 4 redistricting than I do, but some portion is for voter
 5 ID. And I couldn't tell you -- month to month it
 6 changes, so -- and so you'd figure some portion of the
 7 amount of money we spent to distribute our electronic
 8 newsletter, some portion of Lindsey's salary, because
 9 she's the one who helps generate that content.
 10 Q. I'm sorry. Who?
 11 A. Lindsey Rodriguez. She's one of the policy
 12 analysts we talked about before. Some portion of
 13 Summer's salary who runs the caucus, because we had to
 14 devote time to preparing for all the stuff.
 15 I guess my point is that the costs may be
 16 nominal compared to redistricting, but they are
 17 certainly larger than they normally would be, and they
 18 are daunting to my caucus, so...
 19 Q. Mr. Golando, I just want to be clear that when
 20 I'm asking you about costs associated with this
 21 litigation, I mean the Section 2 litigation.
 22 A. Okay. I'm sorry.
 23 Q. I'm not referring -- I'm not talking about
 24 redistricting. I'm not talking about Section 5
 25 preclearance. I'm talking about the Section 2 case that

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1 set costs. Right?
 2 Obviously my salary is devoted largely to
 3 voting rights. Summer's salary in part is for handling
 4 logistical issues and running litigation and SB 14
 5 generally. Lindsey, lots of our public statements are
 6 about voter ID, so lots of her content is about voter
 7 ID. Nathan does video, so I think we had some videos
 8 related to voting rights generally, so some part of his
 9 stipend. I can't estimate the paper. Rent, obviously
 10 some portion of their salaries is devoted to that, and
 11 we've had meetings about voter ID at MALC. Obviously
 12 it's related in some way.
 13 It's very difficult to say. I just know
 14 that we've devoted more resources than I can currently
 15 measure for you, and it's been tremendously daunting for
 16 my caucus.
 17 Q. So MALC does not have any kind of discernible
 18 or tangible measure for the exact percentage of its
 19 resources that have been diverted towards SB 14-related
 20 activities. Is that right?
 21 A. I don't think that's fair. I think that it's
 22 really difficult to untwine employment. Right? I do a
 23 lot of things for MALC. So does Summer. And there are
 24 hills and valleys in terms of what you're focusing on.
 25 What I can speak to is that the last --

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1 we're currently involved in.
 2 A. I apologize. So there's no travel, then. But
 3 some portion of Mr. Garza's salary since fall has been
 4 devoted to voter ID. Some portion of my salary has
 5 been. Again, the others would stay the same, generally,
 6 so...
 7 Q. When you say a portion of your salary, does
 8 that mean a portion of your already set salary, or has
 9 your salary been increased because of your work with
 10 this case?
 11 A. Recently it's been increased. I used to get
 12 about \$1,000 from MALC a month, and now I get \$1,600
 13 roughly a month, and it's been increased in part because
 14 of our increased needs for voting rights. Not a lot of
 15 money, but it's a lot of money to me, so --
 16 Q. Not making a judgment on any of that.
 17 Do you know specifically what portion of
 18 the kind of set costs that you referenced earlier have
 19 had to have been diverted towards SB 14-related
 20 activities?
 21 A. Again, it's very difficult to say. So our set
 22 costs are salary costs, rent, and other things like what
 23 you pay for your newsletter distribution, what you pay
 24 for your list, what you pay for your copier, et cetera,
 25 what you pay for paper, what you pay for -- those are

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1 since fall of 2011, and since the implementation of
 2 SB 14, I guess last year, since the vacation -- I guess
 3 that would be 2012 -- no. 2013. I'm sorry -- there's
 4 been a tremendous amount of focus, time, and some money
 5 devoted to educating our members, their constituents
 6 about this issue. Just because I can't give you a
 7 percentage today like 65 percent, what would that mean
 8 other than what you can measure? I mean, how do you
 9 measure staff time?
 10 Q. Let me ask you more broadly.
 11 A. Please.
 12 Q. Let's picture a pie chart. A circle graph
 13 that's divided up, and this graph depicts, you know, how
 14 much -- how many resources are devoted to X activity,
 15 how many resources are devoted towards Y activity,
 16 et cetera.
 17 If we were looking at this pie chart for
 18 the resources of MALC, how big would the slice be that's
 19 devoted towards SB 14-related activities? Without
 20 putting a specific percentage on it, just roughly how
 21 big would it be?
 22 MS. RUDD: Objection; calls for
 23 speculation.
 24 A. Probably a third, maybe more, maybe less.
 25 It's larger for voting rights generally. It's probably

<p>1 two-thirds, maybe 75 percent for voting rights 2 generally. And they're all related in my mind. 3 Again, I don't know what -- how good a 4 predictor it is, but -- or a pie chart would be, but 5 some portion of my salary of the last month has been 6 dedicated to talking to legislators about legislative 7 privilege and what documents they have to turn over. 8 That's been really intense the last four weeks, lots of 9 questions, lots of concern on the staff. So recently 10 there has been, you know, a real big hill. There may 11 have been a valley sometime after our intervention. I 12 guess it's really hard to say.</p> <p>13 Q. (By Mr. Tatum) What did that hill look like 14 when MALC filed its complaint on September 17th, 2013?</p> <p>15 MS. RUDD: Objection; calls for 16 speculation.</p> <p>17 A. We spent a lot of time preparing for the 18 intervention, about our public statements. Trey takes 19 his public statements on MALC very seriously. We spent 20 some time talking about what kind of travel it might 21 require to go to Corpus. We spent some time talking 22 about what Mr. Garza's role would be and what my role 23 would be and devoted salary to that goal -- or money, 24 frankly.</p> <p>25 So not quite the hill it's been the last</p>	<p>82</p> <p>1 lost a staffer to the TDP last fall in part because we 2 couldn't pay him what he was worth. 3 I left state employment in part because I 4 wanted to create budgetary space for us to not lose 5 people. That's part of the reason I left, because you 6 can kind of have a hybrid employment between the caucus 7 and trades a capital staff. Right? 8 And so I think that our financial 9 troubles have been exacerbated by our voter education 10 efforts and our efforts involving SB 14.</p> <p>11 Q. I think you mentioned earlier that MALC has 12 four staff employees. Is that correct?</p> <p>13 A. Counting myself, and I'm not sure you can call 14 me an employee, necessarily, because I don't get a W-2 15 from them, but I think that's right.</p> <p>16 Q. Okay.</p> <p>17 A. We have one part-time employee, one -- and two 18 full-timers, and me, and then I think we have -- I think 19 they're actually interns, whom I haven't met yet, but 20 we've got some interns.</p> <p>21 Q. So that's current number of employees?</p> <p>22 A. Current. Current.</p> <p>23 Q. How many employees did MALC have before they 24 joined this lawsuit?</p> <p>25 A. Five plus an intern right before -- you mean</p>
<p>83</p> <p>1 four weeks in terms of document production, but -- in 2 terms of max effort, but it was a moderate hill, 3 certainly, right, so...</p> <p>4 Q. (By Mr. Tatum) Can you specify what 5 particular activities that fall under the core mission 6 of MALC have had to be set aside because of MALC's 7 devoted attention to SB 14-related activities?</p> <p>8 A. Ideas aren't one to one. It's a zero sum 9 game, largely. But I can say that specifically our 10 focus the last four weeks in trying to get these 11 documents out and trying to prepare for litigations, 12 generally, has prevented us from taking a more -- a 13 deeper policy look at this UAC problem on the border. I 14 discussed before how voter education efforts have taken 15 away from Trey's vision for MALC, which is to have a 16 more comprehensive and meaningful Latino policy in all 17 sectors.</p> <p>18 Our goal was to have no issue be 19 considered a non-Latino issue. Every issue should have 20 a Latino focus or Latino facet to it. And so our policy 21 development operation has been relatively sapped because 22 of our entry in this lawsuit.</p> <p>23 We've lost a lot of staff because we 24 couldn't afford to pay them because of our voter 25 education efforts and our litigations, generally. We</p>	<p>85</p> <p>1 like September of 2013. Right?</p> <p>2 Q. Yes.</p> <p>3 A. Five.</p> <p>4 Q. And now you have four?</p> <p>5 A. Correct. We lost somebody who was deeply 6 talented, a tremendous asset. I miss him every day.</p> <p>7 Q. When you say you left state employment to 8 create budgetary space --</p> <p>9 A. In part.</p> <p>10 Q. In part.</p> <p>11 A. Yeah.</p> <p>12 Q. Does your salary attributable to your work as 13 a state employee -- does that come out of MALC's budget?</p> <p>14 A. No. It comes from -- I'm not a state employee 15 anymore, but when I was a state employee, the salary 16 came from the state, so...</p> <p>17 Q. And was it not your testimony that you left or 18 you reduced your role with the state to create budgetary 19 space for MALC?</p> <p>20 A. Yes. The Housekeeping Resolution considers 21 dual employment -- state employees can serve outside of 22 state employment with the permission of the member, 23 which includes caucus employment. And the Housekeeping 24 Resolution also says you can use caucus equipment -- or 25 state equipment for caucus-related activities, as long</p>

86	<p>1 as -- under certain parameters. So it contemplates dual 2 employment with a legislative caucus. Right? There was 3 a time when that wasn't true, but that changed in I 4 guess '07, I believe.</p> <p>5 Anyways, my goal was to in part leave 6 state employment to create space that we could -- you 7 know, I made about \$4,200 a month from the state, and if 8 we could somehow shift my salary to Summer, that would 9 create \$4,000 roughly for MALC to have more money to 10 make ends meet. Like I said -- and I would appreciate 11 it if this wasn't publicized, but we have tremendous 12 budgetary constraints right now because of this effort.</p> <p>13 Q. You mentioned the chairman's goal or vision 14 for MALC which he kind of formulated when he came on in 15 2008?</p> <p>16 A. Correct.</p> <p>17 Q. Do you think it's still possible for MALC to 18 achieve that goal or vision?</p> <p>19 A. God, I hope so. I really do hope that we can 20 do that. I hope that we can put this stuff behind us 21 and reach finality, enjoin this lawsuit, get the Texas 22 bill done appropriately, because of their actions, and 23 then focus on the session and try to make things better. 24 I hope we can do that.</p> <p>25 Q. Does MALC believe that SB 14 makes it</p>
87	<p>1 impossible for MALC to fulfill its goal and mission?</p> <p>2 A. It's been very difficult. Impossible, I 3 think is -- I think that's an extraordinary standard, 4 because there's -- it's been my experience that Summer 5 Luciano and my boss can do anything, and I mean that 6 without hyperbole, but -- and the members of MALC are 7 deeply talented people, and I think the world of their 8 efforts, all of our members. But it's been my 9 experience that we can't do what Trey wanted to do 10 because of this litigation, and that's problematic to 11 me.</p> <p>12 Q. Does MALC contend that SB 14 was enacted with 13 a discriminatory purpose?</p> <p>14 A. Absolutely.</p> <p>15 Q. What is that based on?</p> <p>16 A. Our belief is that the sum of the legislators 17 who sought the enactment did so with an impermissible 18 purpose. It's based on our knowledge of legislative 19 procedure. There were many deviations from normal 20 procedure in the enactment of the law. There are also 21 straight comments from people advocating for the law and 22 straight comments from legislators throughout the course 23 of it that were -- I think belied an impermissible 24 purpose. I think that they were -- either the 25 legislators were completely irrational or they voted</p> <p>1 with an impermissible purpose. I think the obvious 2 choice is that they enacted this lawsuit with a 3 discriminatory purpose.</p> <p>4 Q. Does MALC contend that the legislature 5 intended to harm any minority group by enacting SB 14?</p> <p>6 A. Yes.</p> <p>7 Q. Has MALC conducted any studies, reports, 8 audits, estimates, projections or anything like that on 9 the effect of SB 14 on minority voters or on voters who 10 are members of a language minority group?</p> <p>11 MS. RUDD: Objection; compound.</p> <p>12 A. I think that Representative Anchia did 13 something like that as a MALC member, and that would 14 have been given to you guys in our first tranche of 15 documents. And I think that during the Section 5 trial, 16 I think we had an expert report -- I think that's true. 17 But that's the sum total, I think, of our expert 18 analysis on this point, so...</p> <p>19 Q. (By Mr. Tatum) Does MALC contend that any 20 legislator who voted for SB 14 did so with a 21 discriminatory purpose?</p> <p>22 A. Yes.</p> <p>23 Q. Can MALC identify any specific legislators who 24 voted for SB 14 who did so with a discriminatory 25 purpose?</p>

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1 A. I don't know. Like I said, I couldn't point
 2 to a specific member and how they felt, what they
 3 felt internally. I just know -- I know there's
 4 been generally -- Raul Torres I think voted for voter ID
 5 as well. I know them generally as good people. Larry
 6 Gonzalez is an exceptional person. He was a great
 7 staffer. Raul Torres was one of the kindest people I've
 8 ever met in the Legislature. John Garza is a very nice
 9 man. I actually hit his car with my car once, and he
 10 was very kind about it, like super kind. Jose Aliseda
 11 is super cool. He's a pilot and he has a scuba license,
 12 which is really neat.

13 Anyways, my point is I know these guys
 14 personally, and I can't believe that they would, but I
 15 also don't know what's in their hearts, and I don't
 16 think it's also the point of legislative intent. It's
 17 not that they're -- it could be that they're deeply held
 18 racists and they voted for it because they're racist.
 19 That's possible. I don't think so. But it's also
 20 possible that they did so with a still impermissible
 21 purpose because they were advocating on behalf of
 22 racists or they sought a racist law because they thought
 23 it made sense pragmatically. Anyways, I guess what I'm
 24 saying is I don't know what's in their heart, but it's
 25 possible, but I doubt it.

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1 the rules to have a specific carve-out for voter ID. So
 2 that's one full change right there. And so it left the
 3 Senate finally -- there was a Senate bill that came
 4 over -- and the House members used their procedural
 5 tactics to kill the bill. That was the chubathon we
 6 talked about earlier.

7 Fast-forward to 2011, there was a new
 8 rule dealing with extended debate on the local calendar.
 9 There was a new rule about -- or the same rule about the
 10 two-thirds rule. So two deviations from normal
 11 procedure, and there was a creation of a fast-track
 12 committee in the House and a committee as a whole in the
 13 Senate. All of those things are deviations from normal
 14 procedure for bills like this.

15 I think it would be a deviation from
 16 normal procedure to not listen to minority advocates. I
 17 can only look at my time in the leg when I've tried to
 18 help pass a bill that I thought they were rational
 19 bills, and when someone -- when my boss presents a bill
 20 in committee and someone comes up and says, "We don't
 21 think this bill is a good idea," that bill doesn't go
 22 anywhere. Right? It gets stymied. It gets absolutely
 23 stopped until we solve that issue.

24 The legislative process is a process in
 25 answering objections. And every objection that was --

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1 Q. You mentioned that the -- or you testified
 2 earlier that the Legislature acted outside of normal
 3 legislative procedures in enacting SB 14. Is that
 4 correct?

5 A. Yes, sir.

6 Q. In what ways did the Legislature act outside
 7 of its normal legislative procedures in enacting SB 14?

8 A. It's a long answer, so I'll have to be fairly
 9 narrative in this.

10 Q. Just give me specific examples.

11 A. Okay. In 2005, the first bill came up that I
 12 recall -- it was my first session in the Legislature --
 13 and it passed the House with some consternation, and
 14 then it died in the Senate on a two-thirds vote. 12
 15 Senators or 11 Senators got together saying, "We will
 16 not vote for this bill," and it died.

17 And then in 2007, a similar bill came up,
 18 more restrictive. It was the Betty Brown Bill, if I
 19 recall correctly. And Betty Brown said in committee --
 20 I think something that I think is at least bigoted,
 21 possibly prejudicial, maybe racist to Asian-Americans in
 22 the course of considering this bill. And then that bill
 23 got passed by the House, and then died in a two-thirds
 24 vote in the Senate again.

25 In the 2009 session, the Senate changed

1 even small objections were virtually denied and moved
 2 forward, because the bill had to get passed and passed
 3 quickly.

4 All those things I think are deviations
 5 from normal procedure. There are others I could
 6 probably think of. There is a constitutional problem
 7 with the bill. The bill was stolen from the Texas
 8 Mobility Fund to pay for TIC, that way it had a free ID.
 9 And Trey brought a point of order saying that was
 10 unconstitutional. That was an A priority jurisdictional
 11 issue. The bill shouldn't be allowed to move forward
 12 until it was solved. They went forward anyway, passed
 13 the bill, and it was solved in conference committee
 14 through an outside the bounds resolution, which is
 15 atypical I would say of a deviation from normal
 16 procedure for a bill of this type.

17 I mean, the one thing I love about the
 18 Texas Legislature is that there's a lot of bipartisan
 19 cooperation, and this bill had none of that. And there
 20 was no listening to minorities or even, you know, just
 21 rational objections to the bill. That's outside the --
 22 deviation from normal procedure. And I'm trying to
 23 think if there's any others I can think of right
 24 offhand.

25 Q. Let's deal with what you've testified to at

<p>1 status conference, which I can only assume means some 2 kind of regular meeting to discuss voter ID bills. 3 A. It is possible that there was a MALC meeting. 4 2011, again, was three years ago. I'm trying to 5 remember. We had two or three or four MALC meetings, 6 some of which were related, one of which may have been 7 voter ID related -- one. But I don't recall specifics. 8 A status conference, to me, sounds like a 9 conference with the Court, frankly, and I don't think 10 that's -- I don't recall talking to our members about 11 that, you know, so... 12 Q. Did MALC draft or propose or research or 13 request any amendments to SB 14 while it was being 14 considered? 15 A. Surely. 16 Q. Who would be in charge of drafting such 17 amendments? 18 A. TLC. I'd call them up and say, "I would like 19 these amendments for my boss or for my caucus." 20 Q. And how would MALC decide on what amendments 21 it wanted to make? 22 A. You know, it's a really informal process, 23 generally, because you're very time-constrained, and 24 there were significant time constraints with this bill. 25 And so you kind of go back to what you used to do and</p>	<p>102</p> <p>1 member who proposed a bill proposed something or voted 2 for something, and there was lots of amendments we think 3 would ameliorate -- you look back in hindsight, could I 4 have done a different amendment that would make a better 5 argument. I could probably think of several that I 6 would want to do now. But at the time, I think I 7 remember being satisfied that we had fought a good 8 fight, so... 9 Q. Do any members of MALC believe that they were 10 not given ample opportunity -- sorry. Let me back up. 11 Do any members of MALC who opposed SB 14 12 believe that they were not given ample opportunity to 13 voice their opposition to the bill while it was being 14 considered? 15 A. I think that's probably true in the sense that 16 the committee hearing itself lasted -- I think it was 20 17 hours. It was kind of a marathon committee hearing, 18 which is not always the case, but sometimes the case. 19 And it was a real perfunctory meeting in the sense that 20 it was like witness, witness, witness. It was just kind 21 of going through the motions. 22 Rolando Gutierrez is a close friend of 23 mine and a close friend of the representatives was on 24 that committee, and he described it as a sham process. 25 And so in that sense, I think that no amount of time</p>
<p>103</p> <p>1 try to think about it. You brainstorm a little bit. 2 And if you get any idea on a bill like this, you kind of 3 throw it into TLC to have them draft it so you can get a 4 picture of it. Because your bosses won't respond until 5 they can read it, honestly. That's how legislators 6 work. And so you just overdraft, draft as many as you 7 could, and see if you can't get authors for them, your 8 boss or have your boss do it. 9 And so informally is the answer to your 10 question. 11 Q. So is that process of proposing amendments -- 12 is that typically a pretty rushed procedure or pretty 13 fast-paced procedure? 14 A. Largely, especially on this bill. We had to 15 reset with this bill, because I think Armando Martinez 16 appointed it on a Rule 4, Section 32(c). So there was, 17 like, a two-day reset. So there was some lag time where 18 you can kind of catch your breath between the two days, 19 but there was still a lot of time, and there was a lot 20 of pressure to pass the bill, a lot of pressure to 21 defeat the bill, you know. 22 Q. Did MALC feel like it was able to present all 23 the amendments that it wanted to with regard to SB 14? 24 A. You know, I can't speak specifically to each 25 MALC member, but I think that every -- almost every MALC</p>	<p>105</p> <p>1 that was allotted could have, you know, represented the 2 complete opposition of the bill. So the answer to your 3 question is probably yes, so... 4 Q. Did MALC as an organization undertake any 5 efforts to prevent SB 14 from being passed? 6 A. Yes. 7 Q. And what were those efforts? 8 A. Questions of order, trying to get people to 9 vote no, forming coalitions with other legislators to 10 try to get them to vote no, trying to get people to 11 voice their opposition, you know, getting quality 12 testimony to try to, you know, figure that out. 13 Q. Did MALC employ tactics that were meant to 14 slow down or delay consideration of the bill? 15 A. During which session? 16 Q. 2011. 17 A. I'm sorry. 18 Q. All these questions I'm asking you right now 19 are within the timeframe of the 2011 Legislature during 20 which SB 14 was being considered. 21 A. I don't think that they had those options 22 available to them in 2011 because of the rule change, 23 and the -- I mean, Representative Martinez -- Mando 24 Martinez pointed the bill, so in that sense that delayed 25 it for I think 48 hours, roughly. So in a sense,</p>

<p>1 literally the answer is yes, but I don't know -- the 2 same panoply of tactical options was not available to 3 MALC members in 2011 that were available for them in 4 2009. So generally the answer would be no. 5 Q. Did MALC use all tactics at its disposal to 6 delay or defeat SB 14? 7 A. No. I mean, quorum-busting is always an 8 option. In 2011, probably not. But you could have 9 tried to do it. You could have had an informal or 10 formal quorum bust, and that would delay the passage of 11 all bills theoretically. I don't think it was a real 12 tactical option at the time because of the time in 13 session in which the bill had come up. But we didn't do 14 everything we could have done. Theoretically, we could 15 have had a suicidal quorum bust, but --</p> <p>16 MR. TATUM: How are we doing? 17 THE WITNESS: I'm square. Mr. Whitley? 18 MR. WHITLEY: Oh, I'm fine. 19 Q. (By Mr. Tatum) Do you recall Senate Bill 362 20 proposed during the 2009 Legislature? 21 A. Mr. Fraser, yes, I remember the bill. 22 Q. What was that bill about? 23 A. It was a voter identification bill. 24 Q. Did MALC oppose that bill? 25 A. I believe so. Members of MALC certainly did.</p>	<p>106</p> <p>1 Q. It's quite descriptive. 2 A. Yeah. 3 Q. Do you know if MALC expended more or less 4 resources opposing SB 362 than it did opposing SB 14? 5 A. Less, because SB 14 has extenuated for years 6 now. Right? 362 was limited just to the session. 7 SB 14 has been an ongoing problem since 2011. 8 Q. Does MALC support the idea that only 9 registered voters should be allowed to vote? 10 A. I think so. And I don't mean to equivocate. 11 I think there's a reason -- I think registration -- 12 there's been several bills that have been filed by MALC 13 members I think over the years to reconsider how we 14 register voters. So generally, yes, but specifically 15 they eat away at what registration actually means. So I 16 don't mean to be picayune. I just want to be clear. 17 Q. So does MALC believe that a nonregistered 18 voter should be allowed to vote? 19 A. No, I don't think so. But again, the notion 20 of registration itself is something that's open to 21 legislative amendment and change. Right? There are 22 some MALC members who wanted to get rid of -- I think 23 that there may be some MALC members who would be willing 24 to get rid of registration if it -- and use some other 25 form of proving up whether this person should be allowed</p> <p>108</p>
<p>1 I don't remember if MALC itself had a statement at the 2 time in 2009, but most members did oppose the bill. 3 Q. I'm sorry. You don't believe that MALC had a 4 statement? 5 A. You said when MALC had a -- had a public 6 statement saying, "We oppose SB 362." I can't recall if 7 we had done that then, but most members opposed that 8 bill. 9 Q. Did MALC engage in the same kind of tactical 10 efforts during the consideration of SB 362 that it did 11 with regard to SB 14? 12 A. SB 362 never reached the House floor because 13 of the chubathon, so it wasn't the same tactical 14 efforts. We didn't have amendments to SB 362. We 15 didn't have points of order or questions. It was just 16 delayed from consideration because of the extenuation of 17 the local calendar. 18 Q. So it didn't have to engage in the same kind 19 of activities with regard to SB 362 that it did with 20 SB 14 because it successfully defeated the bill through 21 the chubathon? 22 A. Correct. 23 Q. Is that what it's called, the chubathon? 24 A. Lots of people have different words for it. I 25 think that's the most descriptive, so...</p>	<p>107</p> <p>109</p> <p>1 to vote. That may be an idea that could kind of get 2 some hold among MALC members, but I would say that 3 MALC's position is we support voter registration, 4 generally. And there may be better ways to do 5 registration, too. Right? You could do it online. You 6 could do it lots of different ways. Which kind of 7 changes the question a little bit, but I know what 8 you're saying, so... 9 Q. Let's just frame it this way. Under the 10 current statutory scheme regarding voter registration, 11 does MALC believe that only registered voters should be 12 allowed to vote? 13 A. We should follow the law as it stands. 14 Q. Does MALC believe that Texas should make sure 15 that people attempting to vote are registered voters? 16 A. Yes. 17 Q. Does MALC believe that Texas should make sure 18 that people do not vote or attempt to vote in the name 19 of another person? 20 A. Yes. 21 Q. Does MALC acknowledge that voter fraud exists? 22 A. Voter fraud generally? 23 Q. Yes. 24 A. Yes. 25 Q. Does MALC acknowledge that voter fraud exists</p>

1 referring to MALC's objections to the rule 30(b)(6) 2 notice, and this question is based on those objections. 3 A. Okay. 4 Q. Specifically to topics, I believe, 25 and 26. 5 A. I'm trying to think. Could you say it again? 6 Q. Sure. 7 A. I lost it. 8 Q. Sure. Is it true that MALC has never 9 conducted any calculation, report, audit, estimate, 10 projection, or other analyses relating to voter fraud? 11 MS. RUDD: Same objection. 12 A. I don't think that's true. I think that 13 Trey -- there was a time in which during the Section 5 14 trial Mr. Rosenberg questioned the -- the -- or 15 Mr. Forest, I think is his name. He's a Texas Ranger, 16 inspector for y'all -- about voter fraud in person, and 17 he went through the -- I guess the five known cases of 18 in-person voter impersonation and went through how there 19 were indictments for several of them and how SB 14 may 20 not have been able to prevent those things. So in that 21 sense -- and Trey has repeated that line and repeated 22 that analysis. So now, since we've done a -- a surface 23 analysis of in-person voter fraud from the trial -- so 24 that's my answer, I think. 25 Q. (By Mr. Tatum) Has MALC ever commissioned or	114 1 impersonation and how much was election worker error or 2 malfeasance, how much was mail-in ballot fraud, how much 3 was just crazy people, you know, so... 4 Q. Does MALC believe that voter fraud should be 5 illegal? 6 A. Yes. 7 Q. Do you think -- does MALC believe that SB 14 8 deters voter fraud? 9 A. No. 10 Q. Why not? 11 A. In-person voter impersonation is so rare that 12 in the known cases that we know about, I think SB 14 13 would have prevented only one of them. 14 And so if you go back to the cases and 15 the number of votes over time that -- so in 2010 and 16 2012, there were something like 13 million votes cast in 17 various elections. Right? And over that same time 18 period, there was only four known voter impersonation 19 attempts and only -- I think only one indictment, I 20 think. I may be getting the numbers slightly wrong. 21 And in that one, I think it was a father voting for his 22 son in Fort Worth. And they had the same name, and I'm 23 not sure the ID would have caught that unless the 24 election worker looked at the date of birth, which maybe 25 they wouldn't have -- anyway, my point is that if SB 14
1 possessed any calculation, report, audit, estimate, 2 projection, or other analyses related to voter fraud? 3 A. Every month the AG -- or every other month -- 4 periodically, the AG will have -- will give 5 Representative Anchia, I guess, a table of current 6 investigations -- whatever ones of those we have in our 7 possession we gave to you already. And I had asked 8 Mr. Dire for the periodic updates, and I don't think -- 9 I think I received one or two -- I think that I did. I 10 don't recall receiving more than that. I think I turned 11 those over. But that's all I can think that's 12 responsive to that question, so... 13 Q. Is it true that MALC has never conducted any 14 calculation, report, audit, estimate, projection, or 15 other analysis related to election crimes? 16 A. Again, I think that same answer as before. 17 The voter fraud table is not limited to voter 18 impersonation. It listed all election crimes I believe 19 that were being investigated by Mr. Forrest and the AGs 20 at the time through the referral service. And so I 21 think that that's inclusive of that answer. 22 Q. But MALC has never conducted any kind of 23 report on its own? That's what I'm asking. 24 A. You know, I don't think so. I think other 25 than just to review the table and see how much was voter	115 1 was targeted at that kind of crime, rare though it was, 2 in that one instance when it may have mattered, it may 3 not have mattered. It may not have been able to prevent 4 that. So in that sense, that justification is totally 5 irrational to me. 6 Q. Does MALC believe that SB 14 would prevent 7 someone from casting the vote of someone else? 8 MS. RUDD: Objection; vague. 9 A. Generally, it's possible. I think it's 10 unlikely. 11 Q. (By Mr. Tatum) Why is it unlikely? 12 A. Most people who vote in person are voting for 13 their dead dad or that they're crazy. It happened in 14 Bexar County once. This woman had, like, 13 forms of 15 ID, all with different names, and she tried to vote with 16 some of those. She had no mens rea. Right? You 17 couldn't indict her for that, because she was just 18 crazy. Right? And the known examples of in-person 19 voter impersonation that we're aware of, I don't think 20 SB 14 would have -- may not have prevented any of them. 21 So in that sense, empirically, it's not likely. 22 I also think that it's much more likely 23 to disenfranchise people far more quickly and horribly 24 than it is to prevent someone from illegally voting. 25 Q. Has any member or constituent of MALC -- let

	<p>126</p> <p>1 with this proposition, can you explain why that 2 percentage increased between February 2011 and October 3 2012?</p> <p>4 MS. RUDD: Objection; calls for 5 speculation.</p> <p>6 A. I think that it could be statistical noise 7 within the poll instrument itself. That's certainly a 8 possibility, that it's within the blip. Margin of error 9 can be more than 3.5 percent on either side. It can be 10 far greater. So that's one possibility.</p> <p>11 Another possibility is that there's been 12 a small incremental shift in Latino opinion about voter 13 ID, at least in response to this poll over that time 14 period. And I guess over that time period, that would 15 include the 2012 elections, at least the primaries.</p> <p>16 This was October 2012. Right? And so there had been 17 lots of publicizing of voter ID problems throughout the 18 nation, and maybe Latinos didn't -- the Latinos who were 19 polled didn't think it was a problem. I don't know.</p> <p>20 It's possible that the people who 21 answered their phone for polling firms are 22 representatives of Latinos generally, or that these two 23 universes of people who are responding to these polls 24 are substantially different.</p> <p>25 Also, the way in which you ask the</p>
	<p>127</p> <p>1 question, the polling instrument itself, the order of 2 the questioning determines certain blips. It's 3 certainly possible, all those things could be possible, 4 so...</p> <p>5 MR. TATUM: That's all I have right now.</p> <p>6 Would y'all like to take a break? It's ten after 12:00.</p> <p>7 MS. RUDD: Yeah. That's great.</p> <p>8 (Recess from 12:13 p.m. to 1:19 p.m.)</p> <p>9 Q. (By Mr. Tatum) Okay. Mr. Golando, you stated 10 earlier that MALC believes that SB 14 denies or abridges 11 the right to vote of constituents of MALC members. Is 12 that correct?</p> <p>13 A. Yes, sir.</p> <p>14 Q. Does MALC contend that a significant portion 15 of its constituency -- by that, I mean the constituency 16 of its members -- lack any of the acceptable forms of ID 17 under SB 14?</p> <p>18 MS. RUDD: Objection; vague.</p> <p>19 A. What do you mean by "significant"?</p> <p>20 Q. (By Mr. Tatum) Let me rephrase. Does MALC 21 contend that any portion of its constituency -- by that 22 I mean the constituency of its members -- lack any of 23 the acceptable forms of ID under SB 14?</p> <p>24 A. Again, I'm sorry. "The constituency of its 25 members," do you mean the members themselves lacking ID</p> <p>128</p> <p>1 or the people that they represent?</p> <p>2 Q. The people that they represent.</p> <p>3 A. Absolutely.</p> <p>4 Q. Okay. Do you know how many constituents of 5 the members of MALC lack any of the acceptable forms of 6 ID under SB 14?</p> <p>7 A. I recall from the Section 5 trial that there 8 was a number that was deeply contested. The State had 9 proffered some evidence that as many as 795,000 might 10 not have access that's based off registration rules, 11 people that didn't have driver's license, didn't 12 register with Social Security cards. And so I think 13 that was 795, and I think that our expert -- or the 14 DOJ's expert at trial in Section 5 came up with as many 15 as 1.8 million that didn't match the databases that he 16 had access to.</p> <p>17 And then Dr. Shaw did a poll of that 18 universe and got a -- it was a very poor poll. There 19 was a very low response rate. But he determined that 20 some portion -- I think it was like 10 or 20 percent of 21 the 1.8 million would be affected. And so I would say a 22 range of somewhere between 200,000 to 1.8 million Texans 23 might be affected and some portion of Texas MALC 24 members -- probably a higher portion than other members 25 of the state. Because MALC members range from --</p> <p>129</p> <p>1 they're from all over. And we have a lot of the 2 counties and a lot of the population.</p> <p>3 Q. Is MALC able to identify one constituent of a 4 member of MALC that does not have any of the acceptable 5 forms of ID under SB 14?</p> <p>6 A. The intervenors that are represented by 7 Mr. Garza, several of them are affected people. I 8 believe that some of them are from Nueces County, and I 9 think they're represented by Able Herrero if I 10 recall correctly.</p> <p>11 Q. And is Mr. Guerrero a member of MALC?</p> <p>12 A. Mr. Herrero? Yes.</p> <p>13 Q. Whoever you just --</p> <p>14 A. I'm sorry. Yeah, Mr. Herrero is a member of 15 MALC.</p> <p>16 Q. Okay.</p> <p>17 A. He's former vice chairman. He's current 18 chairman of the Criminal Justice Committee in the House.</p> <p>19 Q. Is MALC able to identify any constituents of 20 its members who do not have a driver's license?</p> <p>21 A. Undoubtedly they do, but I can't give you a 22 list of names of people without a TXDL.</p> <p>23 Q. Is MALC able to identify any constituents of 24 its members who do not have a state-issued photo ID?</p> <p>25 A. Again, undoubtedly they do because of the --</p>

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<p>1 A. No, I haven't. I'm sorry.</p> <p>2 Q. Okay. Can you describe to me what this</p> <p>3 document is from looking at it?</p> <p>4 MS. RUDD: Objection; calls for</p> <p>5 speculation.</p> <p>6 A. It's a document dated December 5th, 2013.</p> <p>7 It's a public information -- it's an open records</p> <p>8 request for provisional ballots that were cast, and some</p> <p>9 other categories.</p> <p>10 Q. (By Mr. Tatum) I'll represent to you that</p> <p>11 this document has been produced to the defendants in</p> <p>12 this litigation, and there were a number of documents</p> <p>13 just like this produced to us, documents that were</p> <p>14 addressed -- this one is addressed to El Paso County.</p> <p>15 There were many others addressed to various other</p> <p>16 counties.</p> <p>17 In your work at MALC, are you familiar</p> <p>18 with these public records requests, or do you recall</p> <p>19 MALC asking for counsel to submit these on its behalf?</p> <p>20 MS. RUDD: And objection to the extent</p> <p>21 that that would require you to reveal any communications</p> <p>22 in the pursuit of legal advice between MALC and any of</p> <p>23 the attorneys for MALC in this litigation.</p> <p>24 A. No.</p> <p>25 Q. (By Mr. Tatum) Have you seen any of the</p>	<p>1 THE WITNESS: Okay.</p> <p>2 MS. RUDD: If you don't know, don't</p> <p>3 speculate.</p> <p>4 A. I don't know.</p> <p>5 Q. (By Mr. Tatum) Let me ask you: What is this</p> <p>6 document? What does it look like?</p> <p>7 MS. RUDD: Objection; calls for</p> <p>8 speculation.</p> <p>9 A. I don't know. Possibly a list of voters,</p> <p>10 possibly.</p> <p>11 Q. (By Mr. Tatum) Okay. But you've never seen</p> <p>12 this document before?</p> <p>13 A. You know, I don't think that I have. At least</p> <p>14 I don't remember seeing it. I apologize.</p> <p>15 Q. I'm not going to ask you any more questions</p> <p>16 about that document, so you can -- unless you want to</p> <p>17 keep looking at it.</p> <p>18 A. No, I -- I may, actually.</p> <p>19 Q. Okay.</p> <p>20 A. But go ahead. I'm listening.</p> <p>21 Q. Okay. Does MALC contend that SB 14 amounts to</p> <p>22 a poll tax?</p> <p>23 A. Yes, in part.</p> <p>24 Q. And why is that?</p> <p>25 A. Because it takes ID to get ID, and some people</p>	144
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<p>1 faith and credit of Texas on the line. You couldn't do 2 that constitutionally. 3 And so they went into conference and they 4 decided to create a whole new ID that was outside of the 5 Texas Mobility Fund in order to solve this 6 constitutional problem. And in order to do that, they 7 had to go outside the bounds because it's outside the 8 scope of the House rules to do this. So, yes, I'm aware 9 of the EIC.</p> <p>10 Q. Are you aware that the EIC is issued free of 11 charge?</p> <p>12 A. Yes, sir.</p> <p>13 Q. Okay. I want to ask you a couple more 14 questions regarding -- and I'm going back to our 15 discussion about legislative activities or procedures 16 that the Legislature used during the enactment of SB 14, 17 if I may. Specifically I want to talk about the 18 practice that you called chubbing and the chubathon -- 19 is that what it was called?</p> <p>20 A. Probably. That's what I call it.</p> <p>21 Q. Okay. I think I remember you calling it a 22 chubathon back in 2009. And without going back in the 23 transcript, would you mind explaining again what 24 chubbing -- the practice of chubbing entails?</p> <p>25 A. Generally chubbing is the elongation of debate</p>	<p>146</p> <p>1 Q. So when you say forced the calendar out, does 2 that mean they forced all those bills that were south of 3 SB 362 on the calendar out?</p> <p>4 A. So there was a legislative deadline to get 5 Senate bills out, so the final consideration of Senate 6 bills. I think it was -- it's usually the middle of 7 May, May 17th or May 20th, something like that. And the 8 last day had on the local calendar was the day before, 9 something like that -- or a couple days before. So over 10 the weekend, all -- the local calendar never finished in 11 time to consider these bills. And then the last day, I 12 think it was a Sunday if I recall correctly, there 13 was -- there were all these calendars that had kind of 14 jammed up, and so there was about -- I think there was 15 about 110 substantive bills between the bill that was 16 first up and 362. I think that's right.</p> <p>17 Anyways, lots of bills to add that day 18 because of the tactic. It was unfortunate.</p> <p>19 Q. So lots of bills died that day because of the 20 tactic employed by MALC in that instance?</p> <p>21 A. Many MALC members. I mean, MALC is --</p> <p>22 Q. Sorry.</p> <p>23 A. Yeah.</p> <p>24 Q. Were any of those bills that died because of 25 the chubbing tactic employed by MALC members, were those</p>
<p>147</p> <p>1 on a bill in order to prevent the consideration of bills 2 south of it on the calendar.</p> <p>3 In this case, it was a systematic effort, 4 that was a caucus-wide effort, to elongate the local 5 calendars for days to essentially force consideration of 6 House bills -- certain House bills on the calendar off. 7 Usually the local calendar is handled within one day, 8 and four to five hours at a time. Right? So a local 9 calendar usually has about 200 bills on it, and you read 10 through them real quickly, and then you pass them a 11 third time. So the second and third reading are on top 12 of each other, and in between you have a legislative 13 day. It's kind of hyper technical. But usually it 14 takes about two to three hours.</p> <p>15 This time we forced -- we -- the members 16 forced the authors of the bill to explain their bill for 17 a full ten minutes, and then there was ten minutes of 18 questioning on each bill. So what usually would have 19 taken four hours, took I think five or six days, 20 essentially forcing the legislative calendar out.</p> <p>21 Q. And when you say "forcing the legislative 22 calendar out," does that mean forcing the bills that 23 were south of -- I believe in this instance it was 24 SB 362?</p> <p>25 A. Yes, I think that's correct. Yes, sir.</p>	<p>149</p> <p>1 bills authored by MALC members?</p> <p>2 A. I think some of them were. I'm sure that 3 my -- I'm trying to remember if my boss had one on the 4 calendar in 2009. I think we did. We usually get 5 considered pretty late in the session. If we're lucky 6 to get calendar, it's a pretty late calendar. I'm 7 trying to think what we had there. It's probably one of 8 our VIA bills, I think. I forget. I think we had one 9 on the calendar.</p> <p>10 Q. One of your what bills?</p> <p>11 A. VIA bills. San Antonio VIA is the bus place 12 for San Antonio. I could be wrong about the actual 13 bill, but I think we had a bill on the calendar, and I 14 think it died because of it, which is how it goes.</p> <p>15 Q. Was the chubbing tactic employed on that day 16 during the, quote, unquote, chubathon, was that agreed 17 to by all the members of MALC?</p> <p>18 A. I don't know. I think it was probably agreed 19 to by most members. Because all that would have to have 20 happened in the chubathon for the record is to have five 21 members talk off every bill.</p> <p>22 In the local calendar, you can either 23 talk off a bill by speaking for more than ten minutes, 24 or if you have four friends who can go to a bill and 25 say, "We want to talk off each of these bills," that's</p>

<p>1 days of consideration on the local calendar. 2 Q. So would you say that it -- in executing the 3 chubathon, that MALC employed a tactic in a way that 4 diverted from normal legislative procedures? 5 MS. RUDD: Objection; mischaracterizes 6 the testimony. 7 A. I don't think so. I think that it was a 8 unique tactical choice. It was certainly -- I think 9 everything that's unique is somewhat a deviation from 10 normalcy. So in that sense, partially. But chubbing 11 itself had existed a long time before that for the 12 record. Right? It just hadn't been used to this degree 13 and on this calendar, so... 14 Q. (By Mr. Tatum) Has MALC or members of MALC 15 employed the tactic of chubbing since the chubathon? 16 A. I think so. I think chubbing -- again, 17 generally we're talking about. Right? In 2013, there 18 was -- towards the end of the debate on when you could 19 get House bills out, I think there was some slowing down 20 generally. That's what generally happens. It may have 21 been by MALC members or not. I can't recall exactly. 22 But chubbing exists for a reason. 23 Sometimes you just want to hit the brakes 24 because you're tired. Sometimes you want to hit the 25 brakes because you want to hit the brakes to prevent a</p>	<p>154</p> <p>1 either non-substantive changes or for the budget to 2 adjust a category. We want to give 5 million to a 3 budget category, not 4 million. Right? 4 And there's a small category for 5 substantive changes, but this was an entirely new 6 provision in the bill, a creation of a whole new ID done 7 by an outside the bounds resolution in a conference 8 committee. 9 So something horribly substantive that, 10 you know, was responsive to both my bosses and other 11 MALC member concerns was decided outside of their 12 ability to influence that dialogue by the members of the 13 conference committee. And they were -- and you don't 14 get a lot of notice on an outside the bounds resolution. 15 You wake up in the morning, and there's a resolution on 16 your table saying, "You have to agree to this," and you 17 can't amend it. Right? 18 So it's one of those things where a 19 legitimate concern was taken, and then a smaller group 20 of legislators made a decision, and there was little 21 notice and little ability to change the outcome, so... 22 Q. Is MALC able to identify a constituent of a 23 MALC member who has suffered harm at any point because 24 of SB 14? 25 A. And this may be where I differ from my</p>
<p>1 bill from passing. 2 I can't recall the specific bill -- or a 3 specific bill from this session that may have been a 4 victim of chubbing. And sometimes it's just kind of the 5 nature of the calendar itself. There's just not enough 6 time to consider all the bills on the calendar. 7 Q. In your legislative experience, have you found 8 that chubbing exists more or less often than an outside 9 the bounds resolution? 10 A. Outside the bounds resolutions are common for 11 the appropriations bill. That happens all the time for 12 appropriations. And then for non-appropriations bills 13 or non-budget related bills, outside the bounds 14 resolutions occur at a much slower rate. And you can 15 check by work, because it requires a House resolution to 16 do it, and it's just -- I think it requires an HCR or an 17 SCR, depending on what the origin of the bill is. And I 18 think that those are rarer than you might imagine, maybe 19 20 or 30 -- fewer than that, probably -- per session. 20 And chubbing is probably a one-day event or a one-hour 21 event, so I'm not sure how you would magnify -- or how 22 you would make that determination. 23 Why I say that the voter ID bill was out 24 of bounds and why that's a deviation from normal 25 procedure is that most out of bounds resolutions are for</p>	<p>155</p> <p>1 attorney in the sense that on our discussion of harm -- 2 because I believe that every one of our constituents 3 have been harmed by the bill. And I don't mean this -- 4 I really don't mean this esoterically. It sounds like 5 I'm just preaching platitudes. I'm really not trying to 6 do that. 7 I think every person in Texas is harmed 8 by the bill. When Texas passes laws that are focused on 9 what I believe is a disfranchising intent that have a -- 10 that were passed with an impermissible purpose, that 11 cheapens what it means to be a Texan. And I'm saying 12 this as someone who is an adopted Texan. I'm not even 13 from here, really. But this is a great state, and it is 14 made a worse place because of bills like this, in my 15 opinion. 16 And so the honest answer to your question 17 is that I think everyone has been harmed by it; everyone 18 in this room, everyone in this state. 19 Q. Can you elaborate on what you mean by 20 "impermissible purpose"?</p> <p>21 A. I think that -- impermissible generally means 22 an unlawful purpose. In this instance, I mean a racist 23 purpose. I think that this bill is -- it seeks to 24 abridge the voting rights of minorities on account of 25 their race. That's what I mean.</p>

<p>1 And I think that it also unequally 2 enforces the laws. I think that there are several 3 provisions like that in this bill that do that. So I 4 think that those are two impermissible motives on behalf 5 of policy and decision makers that enacted this bill.</p> <p>6 Q. Does MALC believe that anyone who supports 7 SB 14 is a racist?</p> <p>8 A. No, unless they're a racist and they support 9 it. I mean, I'm certain that racists do support it, to 10 be clear. I'm certain that there are prejudiced and 11 bigoted people who do support it, but I don't think it 12 makes you a racist just to support it.</p> <p>13 Q. What makes you certain that racists do support 14 SB 14?</p> <p>15 MS. RUDD: Objection; mischaracterizes 16 testimony.</p> <p>17 A. I'm not sure if this has been produced or not, 18 but there's been some -- I've gotten some emails from 19 people who support the bill and who have taken what I 20 think to be a racist tone with me. And maybe it was 21 some emails that predate the litigation. I have some 22 knowledge or some -- I have some memory of 23 correspondence with people who I think used racist terms 24 in their emails with me.</p> <p>25 I've had conversations with people who I</p>	<p>158</p> <p>1 immigration is an infectious disease." That's racist to 2 me.</p> <p>3 And while he's a very nice man to me and 4 we have very deep conversations about this issue, I have 5 to tell you that I think that's a racist purpose -- or 6 that's a racist rhetoric. And when -- it's not 7 surprising to me that he supports this bill, so...</p> <p>8 Q. Have you ever personally encountered rhetoric 9 like that from a legislator who supported SB 14?</p> <p>10 A. Personally, no. But during the 2007 session, 11 I think Betty Brown pulled Ramey Ko -- and this is well 12 known; I'm sure you know it -- Ramey Ko aside and said, 13 "You guys should consider changing your names," meaning 14 Asian-Americans, "so people can understand you better."</p> <p>15 And I think it's a well-intentioned thing 16 to say. I don't know Betty Brown very well. She and my 17 boss had a falling out about something personal, and I 18 couldn't say that I thought very highly of her. But 19 when she said that, that took me aback that someone 20 would say that, that someone should change their name.</p> <p>21 And it actually dovetails with the 22 Italian-American experience. I'm Italian-American. My 23 family came over here on a boat, and I think that we 24 were the Anglos' first Latinos, and my name was changed 25 when I got here. Anyway, my point is, is that the</p>
<p>1 thought -- that I thought were racist conversations who 2 told me they would support the bill. But I think you're 3 asking me for something deeper than that, whether I 4 think that racists support the bill.</p> <p>5 Q. (By Mr. Tatum) Well, let me stick to what you 6 just testified to.</p> <p>7 A. Sure.</p> <p>8 Q. You mentioned conversations with people who 9 you thought were racist who told you they support the 10 bill.</p> <p>11 A. Yes.</p> <p>12 Q. I'm reading that from the transcript here. Do 13 you recall who those people were?</p> <p>14 A. There's a -- well, I can't recall his name. 15 I'm sorry. There's a constituent who calls Trey's 16 office when I was working there fairly frequently, about 17 once a quarter, and we have very long conversations 18 about ethnicity and identity. And he's very much 19 against hyphenation Americans, is what he calls them -- 20 so Mexican-Americans, Italian-Americans -- and I always 21 try to defend multiculturalism.</p> <p>22 He's never said a racist epithet to me, 23 but it's been my experience that people who espouse the 24 kind of rhetoric that he espouses probably have a racist 25 belief. And he uses words like "takers" or "Latino"</p>	<p>159</p> <p>161</p> <p>1 rhetoric used during that time period was rough. And 2 during 2011, it was -- the rhetoric was pretty bad, too.</p> <p>3 And it wasn't just from House members. 4 There were -- Rebecca Forest, I think, has a group 5 called Women Against the Wall, or something like that, 6 and they had a meeting at the Capitol -- on the Capitol 7 during the session, and she said the reason we can't 8 pass immigration reform is because there were too many 9 Latino legislators. And I don't know what that means, 10 but it certainly sounds racial to me.</p> <p>11 Anyway, to the degree that -- I know you 12 can't have a group on the Capitol stage without someone 13 greasing the skids for you with House administration, so 14 some member helped that person out. And I don't know if 15 they support that person or not, but I've got to tell 16 you that that's change to me, that that happened.</p> <p>17 And there were other things, too. I 18 mean, the registering bill, I think, was a racist bill. 19 There were immigration bills that were considered that I 20 thought were racist in nature. So it was kind of a part 21 and parcel throughout the whole session, kind of a hyper 22 racially charged session in 2011, so...</p> <p>23 Q. So in your opinion, SB 14 was not the only 24 bill passed during 2011 that may have had racial or 25 discriminatory intent?</p>

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1 A. Sadly, no. I think that, obviously, the 2011 2 registering plan is a hyper discriminatory bill and was 3 intended to be discriminatory. 4 Q. Mr. Golando, do you know if MALC has produced 5 any and all documents responsive to the various requests 6 for production that defendants have submitted? 7 A. To my knowledge. If I find more, I will 8 certainly make a more fulsome -- and it's certainly not 9 my intent to withhold anything. We have nothing to 10 hide. I think we've been particularly above board. 11 I've given you everything that's in MALC's control, 12 that's for sure. 13 There may be -- I know that there have 14 been a lot of third-party subpoenas issued, which I, 15 frankly, disagree with tactically, but -- in fact, we 16 received one and will be complying with that as soon as 17 I get all my documents in a row, so... 18 Q. Why do you disagree with those subpoenas 19 tactically? 20 A. I think -- 21 MS. RUDD: Okay. Wait. I don't know if 22 you're disagreeing with them as an attorney for MALC. I 23 just don't want you to reveal any of your mental 24 impressions as an attorney. 25 THE WITNESS: Fair enough.	1 your answers, or is there anything you'd like to add 2 with regard to any of the answers you've given here 3 today? 4 A. I meant to look up the name of the Florida 5 State Representative who is friends with my boss and 6 Representative Anchia. 7 Q. Oh, that's right. 8 A. I meant to do that. I think it's Juan Zapata, 9 I think, but I'll have to -- I'm not certain. He's a 10 nice guy. 11 Q. You think that that might be the Florida 12 legislator -- 13 A. Correct, who is friends with Representative 14 Anchia and my boss. And I'm not -- again, I am not 15 clear if they've ever discussed -- I imagine that they 16 haven't, but you asked me about inter-caucus 17 communications, so... 18 Q. Right. 19 A. I think that everything else will have to wait 20 until I review the transcript. 21 MR. TATUM: I pass the witness. 22 MS. RUDD: We have no questions at this 23 time. 24 Angela, do you have any questions for 25 Marty?

IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

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MARC VEASEY, JANE) CIVIL ACTION
HAMILTON, SERGIO DELEON,)
FLOYD J. CARRIER, ANNA) NO. 2:13-CV-193 (NGR)
BURNS, MICHAEL MONTEZ,) [Lead case]
PENNY POPE, OSCAR ORTIZ,)
KOBY OZIAS, JOHN)
MELLOR-CRUMLEY, PEGGY)
HERMAN, EVELYN BRICKNER,)
GORDON BENJAMIN, KEN)
GANDY, LEAGUE OF UNITED)
LATIN AMERICAN CITIZENS)
(LULAC), AND DALLAS)
COUNTY, TEXAS,)
Plaintiffs,)
V.)
RICK PERRY, GOVERNOR OF)
TEXAS AND JOHN STEEN,)
TEXAS SECRETARY OF STATE,)
Defendants.)

1 UNITED STATES OF AMERICA,)
2 Plaintiffs,) CIVIL ACTION
3) NO. 2:13-CV-263 (NGR)
4 TEXAS LEAGUE OF YOUNG) [Consolidated case]
5 VOTERS EDUCATION FUND,)
6 IMANI CLARK, AURICA)
7 WASHINGTON, CRYSTAL)
8 OWENS, AND MICHELLE)
9 BESSIAKE,)
10 Plaintiff-Intervenors,)
11)
12 TEXAS ASSOCIATION OF)
13 HISPANIC COUNTY JUDGES)
14 AND COUNTY COMMISSIONERS,)
15 HIDALGO COUNTY, AND MARIA)
16 LONGORIA BENAVIDES,)
17 Plaintiff-Intervenors,)
18)
19 V.)
20)
21 STATE OF TEXAS, JOHN)
22 STEEN, IN HIS OFFICIAL)
23 CAPACITY AS TEXAS)
24 SECRETARY OF STATE; AND)
25 STEVE McCRAW, IN HIS)
1 OFFICIAL CAPACITY AS)
2 DIRECTOR OF THE TEXAS)
3 DEPARTMENT OF PUBLIC)
4 SAFETY,)
5 Defendants.)
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1 *****
2 ORAL REALTIME DEPOSITION OF
3 BLAKE EARL GREEN
4 JUNE 18, 2014
5 *****
6 ORAL REALTIME DEPOSITION OF BLAKE EARL GREEN,
7 produced as a witness at the instance of the
8 DEFENDANTS, and duly sworn, was taken in the
9 above-styled and numbered cause on the 18th of May,
10 2014, from 10:03 a.m. to 3:46 p.m., before Tamara
11 Vinson, CSR in and for the State of Texas, reported by
12 machine shorthand, at the Texas Southern University,
13 3100 Cleburne Street, Dean's Conference Room, Houston,
14 Texas, 77004, pursuant to the Federal Rules of Civil
15 Procedure and the provisions stated on the record or
16 attached hereto.
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1 TEXAS STATE CONFERENCE OF)
2 NAACP BRANCHES; AND THE) CIVIL ACTION
3 MEXICAN AMERICAN)
4 LEGISLATIVE CAUCUS OF THE) NO. 2:13-CV-291 (NGR)
5 TEXAS HOUSE OF) [Consolidated case]
6 REPRESENTATIVES,)
7 Plaintiff,)
8 V.)
9 JOHN STEEN, IN HIS)
10 OFFICIAL CAPACITY AS)
11 TEXAS SECRETARY OF STATE;)
12 AND STEVE McCRAW, IN HIS)
13 OFFICIAL CAPACITY AS)
14 DIRECTOR OF THE TEXAS)
15 DEPARTMENT OF PUBLIC)
16 SAFETY,)
17 Defendants.)
18 BELINDA ORTIZ, LENARD) CIVIL ACTION
19 TAYLOR, EULALIO MENDEZ)
20 JR., LIONEL ESTRADA;) NO. 2:13-CV-348 (NGR)
21 ESTELA GARCIA ESPINOSA,) [Consolidated case]
22 ROXANNE HERNANDEZ, LYDIA)
23 LARA, MARGARITA MARTINEZ)
24 LARA, MAXIMINA MARTINEZ)
25 LARA, AND LA UNION DEL)
1 PUEBLO ENTERO, INC.)
2 Plaintiff,)
3)
4 V.)
5 JOHN STEEN, IN HIS)
6 OFFICIAL CAPACITY AS)
7 TEXAS SECRETARY OF STATE;)
8 AND STEVE McCRAW, IN HIS)
9 OFFICIAL CAPACITY AS)
10 DIRECTOR OF THE TEXAS)
11 DEPARTMENT OF PUBLIC)
12 SAFETY)
13 Defendants.)
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22

1 Q. (By Mr. Tatum) If you would, please, take a
2 minute to skim over it.
3 A. Uh-huh.
4 Q. Mr. Green, do you recognize this document?
5 A. Yes.
6 Q. And what is this document?
7 A. It is a deposition notice.
8 Q. And you stated a minute ago that you reviewed
9 this notice in preparation for this deposition.
10 Correct?
11 A. Correct.
12 Q. If you would please turn to Page 5.
13 A. (Complying.)
14 Q. Are you at Page 5?
15 A. Yes.
16 Q. Okay. At the bottom of that page there's a
17 heading that says Matters, and following that heading
18 there is a series of numbered paragraphs from 1 to 31.
19 Is that correct?
20 A. That is correct.
21 Q. Okay. Are you aware that you've been
22 designated by the Texas League of Young Voters to
23 testify and give binding answers on its behalf
24 regarding the topics contained in these paragraphs?
25 A. Yes.

24

1 Q. (By Mr. Tatum) Just to confirm one more time
2 just so we have it on the record, Mr. Green, is it
3 your understanding that you are not prepared to
4 testify to topics 3 through 6 and topic 24 because the
5 Texas League is not a membership organization and does
6 not, therefore, contain any lists of its members?
7 A. Correct.
8 Q. Okay. Mr. Green, other than those topics
9 that we just discussed, are you aware that you've been
10 designated by the Texas League to give truthful and
11 binding answers on its behalf regarding all of the
12 other topics contained in these paragraphs?
13 A. That's correct.
14 Q. Okay. And are you prepared to testify about
15 those topics?
16 A. Yes.
17 Q. Okay. And you kind of already said this, but
18 are there any other topics on this list that you're
19 not prepared to testify to?
20 A. No.
21 Q. Okay. I want to ask you some questions, some
22 general questions about the Texas League. How long
23 has it be in existence?
24 A. Since 2010.
25 Q. And just generally, how was it formed?

23

1 MS. KORGAONKAR: I'd just like to note
2 for the record that we filed objections to this
3 notice.
4 MR. TATUM: Uh-huh.
5 MS. KORGAONKAR: And I'm sure that
6 counsel has those objections. I'd also like to note
7 that topics 3 through 6 pertain to the identity of
8 members and that that's been resolved by stipulation
9 through counsel.
10 Q. (By Mr. Tatum) And, Mr. Green, what she's
11 referring to is a statement made that the Texas League
12 of Young Voters is not a membership organization and,
13 therefore, does not have any kind of membership list.
14 Is that your understanding?
15 A. It is.
16 Q. Is that a correct statement?
17 A. Yes.
18 Q. Okay.
19 MS. KORGAONKAR: And sorry. Just for
20 the record, also, topic 24 is affected by that
21 stipulation, as well.
22 MR. TATUM: Okay.
23 MS. KORGAONKAR: It's 3 through 6 and
24 24.
25 MR. TATUM: All right.

25

1 A. How was it formed?
2 Q. Yeah. How was -- who -- who initiated the
3 process that brought the Texas League into existence?
4 Who was involved in that process?
5 A. It was our current state director and the
6 international organization.
7 Q. So you said it was in 2010 is when the Texas
8 League was formed?
9 A. Correct.
10 Q. Okay. And it is an affiliate of the national
11 organization?
12 A. That's correct.
13 Q. Okay.
14 (Exhibit No. 2 marked.)
15 Q. Mr. Green, I'm handing you what's been marked
16 as Exhibit 2.
17 A. Uh-huh.
18 Q. I represent to you that this document has
19 been produced to Defendants in this litigation. Do
20 you recognize this document?
21 A. I do.
22 Q. And what is this document?
23 A. It is our mission and purpose of the
24 organization.
25 Q. So this is the stated mission of the Texas

<p>1 League of Young Voters. Correct?</p> <p>2 A. That's correct.</p> <p>3 Q. Is this mission started by the national</p> <p>4 organization?</p> <p>5 A. Correct.</p> <p>6 Q. Okay. Does the Texas League operate for</p> <p>7 profit?</p> <p>8 A. For profit, no.</p> <p>9 Q. So it is a nonprofit organization?</p> <p>10 A. Correct.</p> <p>11 Q. And how is it -- where does it get its</p> <p>12 funding?</p> <p>13 A. From foundations, as well as from individual</p> <p>14 donors.</p> <p>15 Q. What kind of foundations provide funding to</p> <p>16 the Texas League?</p> <p>17 MS. KORGAONKAR: Objection as to</p> <p>18 relevance.</p> <p>19 A. The kind of foundations, those that are --</p> <p>20 those that are -- who are socially responsible and who</p> <p>21 support the work of increasing civic participation</p> <p>22 here in this country.</p> <p>23 Q. (By Mr. Tatum) Can you give examples of some</p> <p>24 of the organizations that provide funding to the Texas</p> <p>25 League?</p>	<p>26</p> <p>1 yes, uh-huh.</p> <p>2 Q. And what kinds of activities are those?</p> <p>3 A. Making -- really just making calls to our --</p> <p>4 to donor bases.</p> <p>5 Q. Within the Texas League, who decides -- and</p> <p>6 you kind of touched on this earlier -- who decides how</p> <p>7 its funds are used?</p> <p>8 MS. KORGAONKAR: Objection. This is</p> <p>9 beyond the scope of the notice, but you can answer.</p> <p>10 A. It's pretty much a joint -- a joint -- a</p> <p>11 joint decision between myself and the state director.</p> <p>12 Q. (By Mr. Tatum) It's a joint decision --</p> <p>13 (Reporter interruption.)</p> <p>14 Q. (By Mr. Tatum) And I'll try to slow down, as</p> <p>15 well. Now, we've already talked about how the Texas</p> <p>16 League is not a membership organization. Who does the</p> <p>17 Texas League serve?</p> <p>18 A. We serve a constituent -- a constituent base</p> <p>19 of people who has volunteered with us, either took an</p> <p>20 action or signed a -- signed a pledge -- a pledge to</p> <p>21 vote card.</p> <p>22 Q. So just to kind of repeat what you said, is</p> <p>23 it correct -- so you have constituents. Is that</p> <p>24 correct?</p> <p>25 A. Correct.</p>
<p>1 MS. KORGAONKAR: Same objection, but you</p> <p>2 can answer.</p> <p>3 A. In terms of names or . . .</p> <p>4 Q. (By Mr. Tatum) Yes.</p> <p>5 A. We have the Ford Foundation, Open Society</p> <p>6 Institute -- well, Open Society Foundation. And those</p> <p>7 are the pretty much the extent.</p> <p>8 Q. You said the other source of funding is</p> <p>9 individual donations. Correct?</p> <p>10 A. Correct.</p> <p>11 Q. Are there any other sources of funding that</p> <p>12 the Texas League receives?</p> <p>13 A. Other sources of funding besides -- besides</p> <p>14 -- we do receive some allocation from our national</p> <p>15 organization.</p> <p>16 Q. Is that funding from the national</p> <p>17 organization, is that received on an annual basis?</p> <p>18 MS. KORGAONKAR: Objection, again, as to</p> <p>19 relevance. And I think that this whole line is</p> <p>20 actually beyond the scope of the notice, but you can</p> <p>21 answer this question.</p> <p>22 A. Yes.</p> <p>23 Q. (By Mr. Tatum) Do y'all conduct any kind of</p> <p>24 fundraising activities?</p> <p>25 A. Fundraising activities? To a certain extent,</p>	<p>27</p> <p>1 Q. And one becomes a constituent by -- or can</p> <p>2 you explain again how one becomes a constituent of the</p> <p>3 Texas League?</p> <p>4 A. Right. One becomes a constituent by either,</p> <p>5 you know, volunteering with our organization, you</p> <p>6 know, attending an event of some sort, you know,</p> <p>7 signing a pledge card after, you know, registering</p> <p>8 them to vote or if they, in particular, took a</p> <p>9 specific action with our organization.</p> <p>10 Q. And what kind of specific action are you</p> <p>11 talking about or can you give an example of a specific</p> <p>12 action?</p> <p>13 A. Right. They may have signed a petition of</p> <p>14 some sort.</p> <p>15 Q. Okay. Does the Texas League maintain any</p> <p>16 kind of list of constituents that you just described?</p> <p>17 A. We do, uh-huh.</p> <p>18 Q. Does the Texas League actively recruit new</p> <p>19 constituents?</p> <p>20 MS. KORGAONKAR: Objection for</p> <p>21 vagueness. I don't know what you mean by "recruit."</p> <p>22 THE WITNESS: Right.</p> <p>23 Q. (By Mr. Tatum) Does the Texas League</p> <p>24 actively try to accumulate new constituents?</p> <p>25 A. Our main target is people between the ages of</p>

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1 MS. KORGAONKAR: Same objection.
 2 A. We're actually representing, you know, young
 3 people who are most affected by this law.
 4 Q. (By Mr. Tatum) Are you aware that the United
 5 States of America is a party to this lawsuit?
 6 A. United States of America, in terms?
 7 Q. The United States of American represented by
 8 the Department of Justice, are you aware that they are
 9 a party to this lawsuit?
 10 A. I am aware.
 11 Q. Okay. Does the Texas League contend that the
 12 interests of the Texas League are not adequately
 13 represented by the United States in this lawsuit?
 14 MS. KORGAONKAR: Objection. Calls for a
 15 legal conclusion. You can answer the question.
 16 A. I would say the Texas League could provide
 17 more clarity in this particular space in terms of how
 18 young people are affected. And with that conclusion,
 19 that information could be beneficial to the Department
 20 of Justice.
 21 Q. (By Mr. Tatum) So is it the Texas League's
 22 objective in this lawsuit to provide clarity regarding
 23 the issues that are central to this lawsuit?
 24 A. Well, we can provide a more so "on the
 25 ground" representation on how this law has impacted

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1 MS. KORGAONKAR: And I'll just caution
 2 you --
 3 THE WITNESS: Uh-huh.
 4 MS. KORGAONKAR: -- that you can say
 5 that, but not reveal any of the contents of
 6 conversations.
 7 THE WITNESS: Uh-huh.
 8 Q. (By Mr. Tatum) Mr. Green, I'll ask some more
 9 direct questions. So you mentioned that the state
 10 director, Ms. Sanders, met with counsel. Correct?
 11 A. Correct, uh-huh.
 12 Q. Were you present at that meeting?
 13 A. Were I present? No.
 14 Q. Was anyone else present at that meeting?
 15 A. I don't recall.
 16 Q. Do you know if the Texas League met with any
 17 other organizations to discuss the possibility of
 18 joining this lawsuit?
 19 A. I don't know. I don't think so.
 20 Q. Do you know if the Texas League met with any
 21 other parties to this lawsuit to discuss the
 22 possibility of joining this lawsuit?
 23 A. Parties, no.
 24 Q. Was there any kind of vote taken to determine
 25 whether the Texas League would join this lawsuit?

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1 certain populations that this law affect.
 2 Q. And does the Texas League feel that it can
 3 provide that representation to a better degree than
 4 the United States of America represented by the
 5 Department of Justice?
 6 A. I believe so.
 7 Q. And why do you believe so?
 8 A. Because we're on the ground doing the work
 9 and we -- we have firsthand account on how this law,
 10 you know, directly impacts people here in Texas.
 11 Q. How was the decision made to join this
 12 lawsuit by the Texas League?
 13 MS. KORGAONKAR: Mr. Green, I'll just
 14 caution you here that you can answer the question, but
 15 not reveal the contents of any conversations that you
 16 may have had with attorneys.
 17 THE WITNESS: Uh-huh.
 18 MS. KORGAONKAR: You can answer the
 19 question.
 20 A. How do we make this decision?
 21 Q. (By Mr. Tatum) Just generally describe the
 22 process that led to the Texas League intervening in
 23 this lawsuit without divulging any privileged
 24 information.
 25 A. Our state director met with counsel.

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1 A. No.
 2 Q. So would you say it was a unilateral decision
 3 by the state director to join this lawsuit?
 4 MS. KORGAONKAR: Objection. That
 5 mischaracterizes his testimony.
 6 A. Right. I mean, we -- I mean, there were some
 7 conversations with our national office and that's
 8 pretty much it, uh-huh.
 9 Q. (By Mr. Tatum) So who made the ultimate
 10 decision for the Texas League to join in lawsuit?
 11 A. The ultimate decision was our state director.
 12 Q. Okay. I want to go back to talking a little
 13 bit about the activities of the Texas League, just
 14 general activities.
 15 A. Uh-huh.
 16 Q. What -- could you describe the primary
 17 general activities that the Texas League conducts?
 18 A. Sure. We do voter registration, we do voter
 19 education, we do what we call Get Out the Vote, and
 20 also leadership training.
 21 Q. This just occurred to me that these might be
 22 listed on the mission statement that I gave to you
 23 previously.
 24 A. Uh-huh.
 25 Q. I believe on that document, if you have it --

<p>1 do you have it in front of you?</p> <p>2 A. Uh-huh.</p> <p>3 Q. It says that our organizing and programming</p> <p>4 model can be categorized in the following key areas:</p> <p>5 Voter registration, Get Out the Vote, which you</p> <p>6 mentioned, Voter Education and Issue Advocacy,</p> <p>7 Election Protection, and Leadership Development.</p> <p>8 Are those all activities of the Texas League?</p> <p>9 A. Correct.</p> <p>10 Q. Okay. And in the course of carrying out</p> <p>11 these activities, how does the Texas League</p> <p>12 communicate with its constituents to let them know</p> <p>13 about the activities or to organize them?</p> <p>14 A. I mean, we do it in a variety of ways. One</p> <p>15 of them is through -- you know -- through e-mails,</p> <p>16 through text messages, social media, you know,</p> <p>17 visiting campuses.</p> <p>18 Q. And how many different campuses do y'all</p> <p>19 visit?</p> <p>20 A. I mean, I don't recall the number, but I</p> <p>21 know, statewide, it's -- it's over -- it's over 25</p> <p>22 different -- different campuses.</p> <p>23 Q. Throughout the state?</p> <p>24 A. Throughout the state, uh-huh.</p> <p>25 Q. What kinds of resources are devoted to these</p>	<p>38</p> <p>1 Texas Freedom Network. Those who are -- who have</p> <p>2 youth components that we work with, uh-huh.</p> <p>3 Q. Do y'all do any work with the Texas NAACP?</p> <p>4 A. We do -- we do some work, uh-huh.</p> <p>5 Q. And what kind of work is that?</p> <p>6 A. Pretty much around election protection.</p> <p>7 Q. And what exactly does election protection</p> <p>8 entail?</p> <p>9 A. Well, election protection, I know they have a</p> <p>10 1-800 number that people if people at the polls have,</p> <p>11 you know, a problem or issue, they can call that</p> <p>12 number. And the NAACP will have people on the other</p> <p>13 end that receives those -- or they have attorneys who</p> <p>14 receive those -- that information and, I guess, try to</p> <p>15 get those issues resolved. And the only thing we do,</p> <p>16 we just provide that number as a resource to our</p> <p>17 constituent base if they were to have any problems at</p> <p>18 the polls.</p> <p>19 Q. So what -- you kind of described what the</p> <p>20 Texas NAACP does, in terms of election protection.</p> <p>21 What does the Texas League of Young Voters do in</p> <p>22 regards to election protection?</p> <p>23 A. Right. We just refer them to that number.</p> <p>24 Q. You just refer them to that number?</p> <p>25 A. Uh-huh.</p>
<p>39</p> <p>1 activities?</p> <p>2 A. What do you mean, "kinds of resources"?</p> <p>3 Q. What kind of monetary financial resources are</p> <p>4 devoted to these activities?</p> <p>5 A. I don't think I under -- I clearly don't</p> <p>6 understand what you're -- what you're asking.</p> <p>7 Q. Do you have to pay -- like, what do you have</p> <p>8 to pay for to carry out these activities? Do you have</p> <p>9 to pay for fliers? Do you have to pay people's</p> <p>10 salaries, pay volunteers, that kind of thing?</p> <p>11 A. Right. We have -- we have -- we pay for</p> <p>12 salaries, we pay for the cost to put on the program,</p> <p>13 gas, print collateral, advertising.</p> <p>14 Q. Does the Texas League conduct any of these</p> <p>15 activities in connection with any other organizations</p> <p>16 in the State of Texas?</p> <p>17 A. What do you mean? I don't understand the</p> <p>18 question. What do you mean, "in connection"?</p> <p>19 Q. Do you conduct these activities with any</p> <p>20 other organization?</p> <p>21 A. We do collaborations, yes.</p> <p>22 Q. With what organizations?</p> <p>23 A. Some include the Texas Organizing Project,</p> <p>24 Mi Familia Vota, Rock the Vote. Pretty much those</p> <p>25 that serve our -- our population, as well. Well,</p>	<p>41</p> <p>1 Q. That's the extent of the Texas League</p> <p>2 activities with regard to election protection?</p> <p>3 A. I mean, we do poll monitoring.</p> <p>4 Q. Poll monitoring?</p> <p>5 A. Uh-huh.</p> <p>6 Q. And what does that entail?</p> <p>7 A. Poll monitoring is, you know, if someone have</p> <p>8 a problem at the polls, they will come to us. And,</p> <p>9 you know, we'll listen to what their issue is and, you</p> <p>10 know, refer them to an agency or organization that</p> <p>11 could -- that could assist with them.</p> <p>12 Q. Are there any other activities related to</p> <p>13 election protection that the Texas League engages in?</p> <p>14 A. Being a voice for them and, you know, in</p> <p>15 similar cases like this, you know, legal challenges,</p> <p>16 but those are pretty much to the extent.</p> <p>17 Q. Does the Texas League engage in any kind of</p> <p>18 policy or advocacy work with regard to legislation</p> <p>19 that's being proposed during any session of the</p> <p>20 legislature?</p> <p>21 A. Yes.</p> <p>22 Q. And what kind of work do they do in that</p> <p>23 regard?</p> <p>24 A. Anything particularly that deals with youth</p> <p>25 voting or voting rights.</p>

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1 Q. Does the Texas League provide live or written
2 testimony during the consideration of legislation that
3 affects youth voting?
4 A. Yes, uh-huh.
5 Q. And who provides that testimony?
6 A. It's generally our state director.
7 Q. Have you ever provided such testimony?
8 A. No.
9 Q. Do you have any experience at the
10 legislature?
11 A. (No verbal response.)
12 Q. Let me clarify that. Have you ever worked at
13 the legislature?
14 A. I have.
15 Q. And when was that?
16 A. It was back in 2006, I believe.
17 Q. So this was after your grad degree, but
18 before you joined the Texas League?
19 A. Correct.
20 Q. And who did you work for?
21 A. I worked for a member of the Texas House of
22 Representatives.
23 Q. And what member was that?
24 A. Hubert Vo.
25 Q. I'm sorry?

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1 A. We don't.
2 Q. Can you describe the Texas League's
3 activities related to voter ID legislation that's been
4 proposed or enacted since 2004?
5 A. Sure. We joined a coalition where we
6 developed the "Got ID" campaign, which was an
7 educational campaign.
8 We visited a number of colleges and
9 universities to educate student voters on the new law,
10 as well as train student leaders.
11 We co-hosted community forums, community
12 events, in addition to host -- well, co-hosting a
13 voter ID clinic -- voter ID clinic.
14 We made phone calls, you know, to our, you
15 know, new and existing constituent base to make sure
16 that they are aware of the new law.
17 We monitored polling locations on election
18 day and during the early voting period to make sure
19 that people were aware before they stood in line that
20 they had to present some form of ID.
21 And on occasions, we did take a couple people
22 to the polls -- I mean, to the -- to obtain their --
23 to obtain an EIC.
24 Q. So, for the more general activities that you
25 just described, has the Texas League been engaged in

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1 A. Hubert, Hubert Vo. Last name V-O.
2 Q. Hubert Vo?
3 A. Hubert Vo, uh-huh.
4 Q. And he was a state representative?
5 A. He was.
6 Q. And how long did you work for him?
7 A. It was an internship, so I would say -- to
8 the extent that I can recall, I would say about six
9 months. About six months to a year.
10 Q. And that was in 2006?
11 A. As I can recall, yes.
12 Q. Did that period of time that you were an
13 intern cover the 2007 legislature?
14 A. No, I don't think so. I think it was the
15 interim, uh-huh.
16 Q. So you were talking about the activities that
17 the Texas League engages in with regard to legislation
18 that might affect its constituency. You talked about
19 testimony given during the legislature. Is there
20 anything else that the Texas League does in connection
21 with legislation that affects its constituency?
22 A. No. That's pretty much to the extent.
23 Q. Do y'all conduct any polls of your own?
24 A. No.
25 Q. Do you conduct any studies of your own?

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1 those kind of activities since 2004 with regard to any
2 voter ID legislation?
3 A. Did you say before 2004?
4 Q. No. Since 2004.
5 A. Okay. What's the question again? I'm sorry.
6 Q. You talked -- you mentioned a bunch of
7 activities there. And I think some of the things you
8 mentioned were kind of more specific to SB 14.
9 A. Uh-huh.
10 Q. And my question was kind of generally about
11 any voter ID legislation since 2004. And so you
12 talked about various clinics and workshops. Is that
13 the kind of thing that the Texas League has done in
14 connection with voter ID legislation going all the way
15 back to 2004?
16 MS. KORGAONKAR: Objection. That's
17 compound. I think if you maybe break it down. It's a
18 little confusing.
19 MR. TATUM: Sure.
20 Q. (By Mr. Tatum) The activities you just
21 described, are those activities that the Texas League
22 has engaged in with regard to -- generally, with
23 regard to voter ID legislation going back to 2004?
24 A. No.
25 MS. KORGAONKAR: Objection. It's still

1 compound.

2 MR. TATUM: Okay.

3 MS. KORGAONKAR: I just want to make

4 sure.

5 MR. TATUM: Yeah.

6 Q. (By Mr. Tatum) Okay. Mr. Green, has the

7 Texas League conducted educational campaigns regarding

8 voter ID legislations going back to 2004?

9 A. Prior to the enactment of SB 14?

10 Q. Yes.

11 A. As relates to voter ID, no.

12 Q. Prior to the enactment of SB 14, did the

13 Texas League visit colleges and universities to

14 educate students on voter ID laws? Again, prior to SB

15 14 and going back to 2004.

16 A. Prior, no.

17 Q. Prior to the enactment of SB 14, did the

18 Texas League host community forums, community events,

19 or voter ID clinics going back to 2004?

20 A. As it relates to SB 14, no.

21 Q. Prior to the enactment of SB 14, did the

22 Texas League make phone calls or send e-mail blasts

23 regarding voter ID legislation going back to 2004?

24 MS. KORGAONKAR: Objection. That's

25 compound.

1 Q. (By Mr. Tatum) I'm just reading it right off

2 your previous answer here. You testified earlier that

3 you made phone calls to universities.

4 A. Well, we made phone calls to voters, right,

5 not to universities.

6 Q. Okay. Did the Texas League, prior to the

7 enactment of SB 14, monitor polling locations on

8 election day and during the early voting period to

9 make sure that people were aware, before they stood in

10 line, that they had to present some form of ID?

11 A. No.

12 Q. Okay. So prior to the enactment of SB 14,

13 what kinds of activities did the Texas League engage

14 in with regard to voter ID legislation? That's

15 probably the question I should have asked right up

16 front.

17 A. Before it was actually enacted?

18 Q. Yes, prior -- between 2004 and the enactment

19 of SB 14, within that window of time, what kind of

20 activities did the Texas League engage in with regard

21 to voter ID legislations being proposed?

22 A. Okay. Well, I know that our -- I know we

23 participated in, you know, some coalition calls just

24 to -- coalition calls to just get an update on the

25 status of the bill. Our state director testified on

1 one or two occasions on how the bill would affect

2 student voters. That's pretty much the extent prior

3 to the enactment of the SB 14 law --

4 Q. Okay.

5 A. -- that I'm aware of.

6 Q. Can you describe the Texas League's

7 activities related to voter ID legislation being

8 proposed or enacted in any other state?

9 A. Oh, I don't -- I don't recall, no.

10 Q. You cannot describe any of those activities?

11 A. In terms of voter ID legislation in any other

12 state?

13 Q. Yes.

14 A. I can't recall. I'm really just focused on

15 here in Texas.

16 Q. To your knowledge, does the Texas League

17 engage in any kind of activity with regard to voter ID

18 legislation being proposed in any other state?

19 A. No.

20 Q. They do not?

21 A. No.

22 Q. There are other affiliates at the state level

23 of the League of Young Voters. Correct?

24 A. Correct.

25 Q. Do you know where those affiliates are?

1 A. We have Georgia, we have Wisconsin, and we

2 have Maine.

3 Q. Does the Texas League regularly interact or

4 collaborate with those other affiliates in any way?

5 A. Not necessarily. I mean, we host -- I mean,

6 we do, I guess, affiliate-wide calls just to get

7 updates and share best practices.

8 MS. KORGAONKAR: Stephen, after this

9 line of questioning, can we take a quick break?

10 MR. TATUM: Oh, sure. Let me just make

11 sure we don't have a ways to go and just find a good

12 stopping point.

13 MS. KORGAONKAR: Of course.

14 Q. (By Mr. Tatum) Okay. Mr. Green, does the

15 Texas League conduct any policy making or

16 advocacy-related work specifically with regard to

17 voter ID legislation?

18 A. No.

19 MR. TATUM: Why don't we go ahead and

20 take a break right now?

21 MS. KORGAONKAR: Sure.

22 MR. TATUM: Five or ten minutes?

23 MS. KORGAONKAR: Sounds good. I have

24 10:57.

25 (Break.)

54

1 about the law and how it impacts young people. You
2 know, once it was enacted, we did do comment letter
3 that we submitted to the Department of Justice citing
4 our reason on why this law is a burden to our
5 constituency base. And that's pretty much it.

6 Q. With regard to SB 14, is there anything the
7 Texas League does besides issuing a comment letter?

8 A. As it relates to SB 14?

9 Q. Yes.

10 A. I mean, as I said before, I mean, we've
11 educated -- you know -- our constituents about -- you
12 know -- about the law -- you know -- once it passed on
13 what's required to go to the polls and vote.

14 Q. And what kinds of resources have been devoted
15 to SB 14-related activities?

16 A. I mean, a lot of our resources have been
17 shifted to -- you know -- with -- with time and -- you
18 know -- printing -- you know -- print collateral
19 and -- and -- you know -- hope -- you know -- a great
20 deal of stuff to educate our -- you know -- our
21 constituent base about the new law.

22 Q. Were more resources spent regarding the
23 education of SB 14 than were spent regarding the
24 education of previous voter ID bills?

25 A. What do you mean, "previous voter ID bills"?

55

1 Q. Any voter ID legislation that was proposed or
2 enacted prior to SB 14.

3 A. Uh-huh.

4 Q. I think you mentioned earlier that the Texas
5 League sought to educate its constituents and members
6 regarding those bills. Is that correct?

7 A. Prior -- prior to the passing of SB 14?

8 MS. KORGAONKAR: I'd just object. He's
9 testified that the League didn't exist before 2010.

10 THE WITNESS: Yeah.

11 MR. TATUM: Okay. Thank you.

12 Q. (By Mr. Tatum) So, since 2010, has the Texas
13 League spent any amount of resources on educating its
14 constituents regarding voter ID legislation, other
15 than SB 14?

16 A. No.

17 Q. No?

18 A. No.

19 Q. So is it correct to say that the resources
20 the Texas League has spent on educating its members
21 regarding SB 14 -- sorry. Let me retract.

22 Is SB 14 the first voter ID bill that the
23 Texas League has spent resources towards educating its
24 members on?

25 A. Yes.

56

1 Q. Okay.

2 (Exhibit No. 4 marked.)

3 Q. Mr. Green, I'm handing you what's been marked
4 as Exhibit 4.

5 A. Uh-huh.

6 MR. TATUM: I'm sorry I didn't bring
7 more.

8 MS. CONLEY: Oh, that's okay. No
9 worries.

10 Q. Mr. Green, I represent to you that this
11 document was produced to Defendants in this
12 litigation. Do you recognize these documents?

13 A. Yes.

14 Q. And what do these documents represent?

15 A. About an upcoming coalition meeting that we
16 are part of, uh-huh.

17 Q. A coalition that the Texas League is a part
18 of?

19 A. Correct, uh-huh.

20 Q. What is the name of that coalition?

21 A. Well, it's part of the Got ID campaign or the
22 got ID Coalition.

23 Q. So the coalition is the result of the Got ID
24 campaign that you mentioned earlier?

25 A. Correct.

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1 Q. And was that coalition created in direct
2 response to SB 14?

3 A. Right, it was created to, basically, educate
4 our populations about the new voter ID law, uh-huh.

5 MS. KORGAONKAR: And, Stephen, I don't
6 want to interrupt your line of questioning, but I just
7 want to note for the records that it's two pages here,
8 but they don't appear to be consecutive --

9 MR. TATUM: Okay.

10 MS. KORGAONKAR: -- based on the Bates
11 stamp and don't appear to be one document.

12 THE WITNESS: Right.

13 MR. TATUM: That's correct. If you'd
14 like, I can mark them as separate exhibits.

15 MS. KORGAONKAR: I just wanted to note
16 that for the record.

17 MR. TATUM: Okay.

18 Q. (By Mr. Tatum) So, Mr. Green, you stated
19 that this e-mail describes an upcoming meeting. Is
20 that correct?

21 A. That's correct.

22 Q. And is that the meeting described in the
23 e-mail here as occurring on Monday, October 7, 2013 at
24 the TOP headquarters?

25 A. That's correct.

1 Q. What is the "TOP"? 2 A. It's one of the collaborating organizations 3 called the Texas Organizing Project. 4 Q. Is that an independent organization? 5 MS. KORGAONKAR: Objection. Beyond the 6 scope of the notice and it calls for speculation. You 7 can answer. 8 A. I don't know if it's independent or not. 9 Q. (By Mr. Tatum) So what do you know about the 10 TOP? 11 A. I know, to my knowledge, that the Texas 12 Organizing project, to my knowledge, do similar work 13 that we do. 14 Q. Did you attend this meeting? 15 A. On October 7th, I believe so. 16 Q. And do you remember what was discussed at 17 that meeting? 18 A. Pretty much -- if I can recall, pretty much 19 just looking at ways in which we could, you know, 20 develop materials and messaging on how -- you know -- 21 just how to outreach to our target bases about the 22 voter ID law and what's required to vote at the polls. 23 Q. Was this litigation discussed at that 24 meeting? 25 A. Litigation, no, I don't -- I don't think so.	58	1 Q. Is that the only such workshop that has been 2 held by the coalition, to your knowledge? 3 A. In terms of workshop, no. There's been -- 4 there's been -- there's been others. There's been -- 5 I know there was a voter ID clinic, as well as a -- 6 there's a community education forum, as well. 7 Q. And were these other clinics and forums that 8 you're referring to, were those directly related to 9 SB 14? 10 A. They were relating to educating about the new 11 law and what's required to vote. 12 Q. Were any such workshops or clinics held by 13 the coalition prior to the enactment of SB 14? 14 A. No. 15 Q. Sorry. I forgot to ask. The TOP 16 headquarters, do you remember where that was? 17 A. It was here in Houston, uh-huh. 18 Q. You mentioned this earlier, I just want to 19 confirm, has the Texas League conducted any kind of 20 studies or reports, audits, estimates, projections or 21 any other kind of analyses related to the effect of 22 SB 14 on minority voters or on voters who are members 23 of a language minority group? 24 A. No. 25 Q. No.	60
1 Q. Turn to the next page. 2 A. Uh-huh. 3 Q. This next page references an October 15th 4 voter ID community workshop. Is that correct? 5 A. That's correct. 6 Q. Okay. Did you attend that? 7 A. Yes. 8 Q. And where was that held? 9 A. If I can recall, the -- this particular one 10 was held at the S.H.A.P.E Community Center. 11 Q. In what city? 12 A. Here in Houston. 13 Q. And was that community workshop put on by the 14 Texas League? 15 A. No. It was put on by the -- by the 16 coalition. 17 Q. By the coalition? 18 A. Uh-huh. 19 Q. Do you know what other organizations are a 20 part of this coalition? 21 A. We have -- you know -- as I said, we have the 22 Texas Organizing Project. If I can recall, we have 23 Mi Familia Vota. I know the NAACP has one. The 24 Houston Area Urban League. I mean, there may be more, 25 but I just can't recall.	59	1 (Exhibit No. 5 marked.) 2 Q. Mr. Green, I'm handing you what's been marked 3 as Exhibit 5. Mr. Green, do you recognize this 4 document? 5 A. This particular document, yes. 6 Q. You've seen this document before? 7 A. Yes, uh-huh. 8 Q. Mr. Green, I represent to you that this is 9 the Amended Complaint in Intervention of 10 Plaintiff-Intervenors The Texas League of Young Voters 11 Education Fund, Imani Clark, Aurica Washington, 12 Crystal Owens, and Michelle Bessiak, filed on 13 November 14th, 2013. Is that an accurate 14 representation of what this document is? 15 A. Correct, uh-huh. 16 Q. Okay. So you're aware that the Texas League 17 intervened in this lawsuit along with Imani Clark, 18 Aurica Washington, Crystal Owens, and Michelle 19 Bessiak. Correct? 20 A. Correct. 21 Q. And what -- with regard to those four 22 individuals that I just named, what is their 23 respective involvement with the Texas League, if any? 24 A. (No verbal response.) 25 Q. And if you want, I'll just -- I can ask	61

1 the possibility of joining this lawsuit?
2 A. I mean, I wouldn't say we -- I mean, we
3 didn't actively seek. No, we didn't actively seek.
4 But, you know, as I said before, we did -- I mean --
5 you know -- some of them, we -- you know -- we did
6 present with the opportunity. But for them to
7 actually join the lawsuit, that was -- you know --
8 that's pretty much their decision, but we didn't
9 actively seek, no.

10 Q. Did you meet with any of these -- and you
11 mentioned members of your organization. By that, I
12 assume you mean constituents. Correct?

13 A. When I say members, I mean staff. Well, I
14 meant staff.

15 Q. So you meant to say that you came across
16 staff of the Texas League who came to you to say that
17 they've been impacted by the law and you presented
18 staff with the possibility of joining this lawsuit?

19 A. Wait. Go back. Now, I'm confused.

20 Q. Okay. I'm trying to -- we need to clarify
21 this.

22 A. Right.

23 Q. You testified earlier, you said, We did come
24 across members of our organization who may have been
25 impacted about the law and the option was presented to

1 I mean, I don't know if she was contacted by any of
2 our constituents -- well, our constituents.
3 Q. How do you know that your constituents -- let
4 me rephrase. How do you know that the Texas League
5 came across these constituents who said they have been
6 impacted by the voter ID law?

7 A. I mean, as I said before, in the course of
8 our work -- I mean, in the course of our work -- I
9 mean, like I say, I don't know who from the
10 organization, but I know that someone may have
11 mentioned this to them, that the opportunity is
12 available to join a lawsuit.

13 Q. Do you know who that someone was?

14 A. I mean, I don't recall exactly who, no.

15 Q. Do you know if any of these constituents that
16 you came across in the course of your work, do you
17 know if any of those constituents included the four
18 individuals who are listed on the amended complaint?

19 A. I mean, it's a possibility, but I don't know
20 for sure.

21 Q. If you'll look at the Amended Complaint that
22 I've handed you there.

23 A. (Complying.)

24 Q. I'll represent to you --

25 MR. TATUM: And, Natasha, please correct

1 them about the lawsuit. Correct?

2 A. I believe I said, in the course of our work,
3 we came across -- I mean, I may have mentioned
4 members, but constituent -- constituency base or
5 people who we outreach to.

6 Q. All right. So when you said members, you
7 meant to say constituents, because we've established
8 that you don't have members?

9 A. Right, correct.

10 Q. Okay. Did you meet with any of these
11 constituents that you referred to here? Did you
12 personally meet with them?

13 A. Did I personally meet with them, no.

14 Q. Do you know who within the Texas League met
15 with these specific constituents?

16 A. I don't recall exactly who.

17 Q. You mentioned Arianna Williams earlier. What
18 is her job with the Texas League?

19 A. Well, I mean, she assists with our programs,
20 particularly voter registration and voter -- voter
21 engagement -- I mean, voter education.

22 Q. Do you know if she was contacted by any
23 constituent about the possibility of joining this
24 lawsuit?

25 A. I mean, I don't know personally. I don't --

1 me if I'm wrong.
2 Q. (By Mr. Tatum) -- that the Complaint alleges
3 that each one of the four individuals, Ms. Clark,
4 Ms. Washington, Ms. Owens, and Ms. Bessiak is and
5 will continue to be harmed by the voting laws enacted
6 by SB 14?

7 MS. KORGAONKAR: And I just want to
8 clarify that Ms. Washington, Ms. Owens, and Ms. Bessiak
9 are no longer parties in this litigation.

10 Q. (By Mr. Tatum) Okay. Mr. Green, do you know
11 -- do you have any idea why Ms. Washington, Ms. Owens,
12 or Ms. Bessiak are no longer parties to this
13 litigation?

14 MS. KORGAONKAR: And Blake, I'll just
15 caution you that you can answer the yes for no
16 question, but not to reveal the contents of any
17 conversations that you may have had with counsel --

18 THE WITNESS: Okay.

19 MS. KORGAONKAR: -- about the
20 litigation.

21 A. Right. I mean, I don't recall exactly why
22 they are no longer on the case.

23 Q. (By Mr. Tatum) Have you ever interacted with
24 Ms. Washington, Ms. Owens, or Ms. Bessiak?

25 A. No.

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1 Q. Okay. Okay. So then I'll represent to you
2 that the complaint alleges that Ms. Clark, who is
3 still a party to this litigation, is and will continue
4 to be harmed by the voting laws enacted by SB 14. Is
5 that a correct representation of the Complaint? In
6 fact, before you answer that, let me just find it and
7 point it out for you.

8 MS. CONLEY: I'm sorry. I don't think I
9 understood the question. Can you -- do you mind
10 repeating it?

11 MR. TATUM: Actually, I hadn't gotten to
12 the question yet. I was --

13 MS. CONLEY: Or --

14 MR. TATUM: I'll start over.

15 MS. CONLEY: Yeah.

16 MR. TATUM: Let's re-rack.

17 MS. CONLEY: Thank you.

18 Q. (By Mr. Tatum) Okay. On Page 4 of that
19 Complaint that you have in front of you, at the top of
20 the page, Paragraph 12, the Complaint alleges that
21 Ms. Clark, Ms. Imani Clark's voting rights are impeded
22 by SB 14, as she will be prevented from voting in
23 person at the polls because of Defendants'
24 unnecessarily strict and racially discriminatory photo
25 identification law.

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1 Is that an accurate reading of that
2 allegation?
3 A. Correct.
4 Q. Okay. Do you know if the Texas League has
5 ever assisted Mrs. Clark or tried to assist Mrs. Clark
6 with registering to vote?

7 A. I don't recall.

8 Q. Do you know if the Texas League has ever
9 assisted or attempted to assist Mrs. Clark with regard
10 to obtaining an acceptable form of ID under SB 14?

11 A. I don't recall.

12 Q. Does the Texas League -- let me back up.

13 Has the Texas League ever assisted or
14 attempted to assist any of its constituents in
15 obtaining an acceptable form of ID under SB 14?
16 A. I mean, yes. Yes. We've -- I mean, we've --
17 you know -- we've -- we've -- you know -- like I said,
18 we have a lot of print material where we educated them
19 on how to go about getting an -- getting an EIC. And
20 I know on -- like I said, on one or two occasions, we
21 did take them to -- to -- you know -- a local mobile
22 DPS office to get an EIC.

23 Q. Does the Texas League contend that SB 14
24 creates a burden for black and other voters of color
25 because those voters do not have an acceptable form of

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1 ID under SB 14?

2 A. Yes.

3 Q. And what is that contention based on?

4 A. Well, I mean, it's based on, you know, social
5 and economic status. When you think about it, across
6 the board, African Americans and Hispanics are, you
7 know, disproportionately not able to, you know, have
8 the funds, you know, compared to, you know, white
9 people across the board to be able to afford the
10 requiring documents, especially those that are
11 underlying, to actually get an EIC. And
12 specifically -- you know -- you know -- student IDs.
13 I mean, specifically, those out-of-state students that
14 don't have one of the forms of ID, like they had
15 before, which was a student ID, to vote.

16 Q. Do you know what the current acceptable forms
17 of ID to vote are under SB 14?

18 A. I do.

19 Q. Can you list them?

20 A. Sure. You have your Texas Driver's License,
21 your Texas ID, you have a military ID, you have a U.S.
22 citizenship certificate with a photo, you have a U.S.
23 passport, you have a concealed handgun license, and
24 then you have your Election Identification
25 Certificate.

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1 Q. Also known as the "EIC"?

2 A. EIC, correct.

3 Q. Okay. Now, is the contention you were just
4 discussing, is that based on any kind of study or
5 analyses?

6 MS. KORGAONKAR: And I'll just object to
7 the extent that "contention" is a legal term and
8 Mr. Green is not a lawyer.

9 A. Can you rephrase the question?

10 Q. (By Mr. Tatum) Sure.

11 A. Uh-huh.

12 Q. Well, let me back up if we're not going to --
13 if we don't like the use of the word "contention."
14 Does the Texas League -- does the Texas League believe
15 that SB 14 creates a burden for black and other voters
16 of colors because those voters do not have an
17 acceptable form of ID under SB 14?

18 A. Yes.

19 Q. Okay. And you previously described the basis
20 for that belief. Correct?

21 A. Correct.

22 Q. Okay. Is that belief based on any kind of
23 formal study or analyses?

24 A. I mean, I've read -- I mean, I've read
25 articles and, you know, papers and, you know, iPads

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1 that talk about how, you know, the law has been a
2 burden. And just from people that we've talked to in
3 the field, you know, how it -- it -- you know -- it's
4 a burden to particularly African Americans and
5 Hispanics who don't have -- you know -- you know --
6 generally the money and the resources to get one of
7 the acceptable forms of ID under this law.

8 Q. Does the Texas League believe that SB 14
9 amounts to a poll tax?

10 A. Yes.

11 Q. And what is that belief based on?

12 A. I mean, it's pretty much based on that the
13 EIC generally isn't -- I mean, isn't a free -- you
14 know -- free -- you know -- a free document. You
15 know, for instance, you know, if you're out-of-state
16 student, number one, you have to -- you know -- go --
17 you know -- go get your -- you know -- pay for a birth
18 certificate, which is one of the forms of ID that's
19 required to prove your citizenship to actually get an
20 ID. So you actually have to pay for that, which in
21 some instances are \$22 or more in order to get your
22 EIC. So, I mean, it can be argued that, you know,
23 getting an EIC or essentially even having -- you
24 know -- being eligible to use your eligibility to vote
25 can be referred to as a poll tax.

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1 Q. Does the Texas League believe that SB 14
2 denies or abridges the right to vote on account of
3 race or membership in a language minority group?

4 A. On account of race?

5 Q. Race or membership in a language minority
6 group.

7 A. Yes.

8 Q. And what is that belief based on?

9 A. I mean -- I mean, as I said before, I mean,
10 I've been in this work for -- for -- I mean, for quite
11 some time. And, I mean, it's -- you know -- it's --
12 it's -- it's discriminatory. And I've said before,
13 you know, African Americans and Hispanics and, you
14 know, different minority groups -- you know -- you
15 know -- are disproportionately affected because of the
16 fact that, you know, they don't have the economic, you
17 know, resources to be able to fulfill the requirements
18 to get an EIC. And that pretty much puts a burden on
19 the populations we serve, which are, you know,
20 minority communities, particularly African Americans
21 and Hispanics.

22 Q. Does the Texas League believe that a
23 significant portion of its constituents lack any of
24 the acceptable forms of ID under SB 14?

25 A. That are constituency?

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1 Q. Yes.

2 A. Lacks a significant?

3 MS. CONLEY: I'm sorry. Can you repeat
4 the question. I don't think he understood it.

5 MR. TATUM: Sure.

6 Q. (By Mr. Tatum) Does the Texas League believe
7 that a significant portion of its constituency lacks
8 any of the acceptable forms of ID under SB 14?

9 A. I mean, I don't know -- I mean, I don't know
10 about the, you know, significant. But I know that the
11 people that we talk to and that who we serve -- and
12 like I said, particularly those who are out-of-state
13 students here on college campuses here in Texas who
14 don't have a Texas ID or one of the forms of ID, that
15 it -- that it affects them greatly.

16 For example, you know, in our meetings, you
17 know, some of the student organization meetings that
18 we go to -- one of them could be the California Club.
19 And we all know those students who are part of the
20 California Club are from California and don't have a
21 Texas ID or Texas Driver's License.

22 So that's a large -- well, the majority of
23 all those students most likely wouldn't have the form
24 of ID, with the exception to, you know, their student
25 ID and their out-of-state ID.

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1 Q. Can you identify one person who does not have
2 any of the acceptable forms of ID under SB 14?

3 A. Can I identify one person?

4 Q. Yes.

5 A. Well, Imani Clark.

6 Q. And she's a party to this lawsuit?

7 A. Uh-huh.

8 Q. Is there anyone else you can identify besides
9 Imani Clark?

10 A. I mean, I don't know by names, I mean,
11 specifically, but, I mean, I do know that there are,
12 like I said, people within the California Club that
13 don't have it. I mean, I don't know them by name, but
14 I do know there is the a large segment, such as that
15 group, that don't have the proper -- proper
16 identification.

17 Q. Is Imani Clark part of the California Club
18 that you just mentioned?

19 A. I don't think so, huh-uh.

20 Q. Do you know how many of your -- do you know
21 how many Texas League constituents lack a driver's
22 license?

23 A. I don't --

24 Q. A Texas Driver's License?

25 A. Oh, I don't know that information.

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1 Q. Do you know how many Texas League
2 constituents lack a Texas-issued photo ID?
3 A. A Texas-issued photo ID? I don't have that
4 number. I don't know.
5 Q. Do you know how many Texas League
6 constituents lack a concealed handgun license?
7 A. Lack a concealed handgun license?
8 Q. Yes.
9 A. I don't know.
10 Q. Do you know how many Texas League
11 constituents do not have a passport?
12 A. I don't know.
13 Q. Do you know how many Texas League
14 constituents do not have a military ID card with a
15 photo on it?
16 A. Military ID? How many, I don't know.
17 Q. Do you know how many Texas League
18 constituents do not have a citizenship certificate?
19 A. I don't know.
20 Q. Do you know how many Texas League
21 constituents do not have the necessary documents to
22 get an EIC?
23 A. I don't know.
24 Q. Do you know how many Texas League
25 constituents have attempted to obtain an EIC?

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1 A. That's correct.
2 Q. Do you know if they were successful in
3 obtaining an EIC on that trip?
4 A. Oh, I don't know, no.
5 Q. Would she -- would Arianna Williams know?
6 A. Oh, I don't know. I mean, but let's -- let's
7 just say, as an organization, we made several attempts
8 just through our education to make sure that, you
9 know, our constituency base and those in our target,
10 you know, audience know about the steps on how to get
11 an EIC. Now, some of those may have actually received
12 an EIC. Some of them probably didn't, but we don't
13 know. But I know we, as an organization, made every
14 attempt to educate them about, you know, if they don't
15 have one of the seven forms of ID, that they -- that
16 they are educated on how to get that.
17 Q. Has the Texas League followed up with any
18 constituent that it's educated about getting an EIC to
19 determine whether or not they were successful in
20 getting one?
21 A. Have we followed? I don't -- I don't recall.
22 I don't believe so.
23 (Exhibit No. 6 marked.)
24 Q. Mr. Green, I'm handing you what's been marked
25 as Exhibit 6. Mr. Green, I represent to you that this

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1 A. I don't have that number, as well. Attempted
2 to?
3 Q. Yes.
4 A. I don't -- I don't know that number, no.
5 Q. Can you identify any constituent of the Texas
6 League that has attempted to obtain an EIC?
7 A. I mean, as I -- you know -- as I can recall,
8 you know, when our staff member, took, you know, on
9 those occasions two or three of our constituencies to
10 go get an EIC. That was an attempt.
11 Q. Do you recall what staff member took them?
12 A. I can recall Arianna Williams, uh-huh.
13 Q. Do you know where she took them to attempt to
14 obtain an EIC?
15 A. Where? I believe, to the Department of
16 Public Safety, to the DPS office.
17 Q. And you said she took three people?
18 MS. KORGAONKAR: Objection. I don't
19 think that that was his testimony.
20 A. Right.
21 Q. (By Mr. Tatum) Let me check. I believe you
22 said two or three constituents. It's kind of rough
23 there. Anyway, regardless, Arianna Williams took some
24 constituents to attempt to get an EIC. Is that
25 correct?

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1 document has been produced to the Defendants in this
2 litigation. Have you ever seen this document before?
3 A. Yes.
4 Q. What is this document?
5 A. It's a comment letter that we submitted to
6 the Department of Justice to deny preclearance,
7 Section 5 preclearance, because we feel as though --
8 because we believe that, you know, the law pretty much
9 puts a burden on our key population.
10 Q. So this comment letter was prepared by the
11 Texas League. Correct?
12 A. Correct. It was jointly prepared by Texas
13 League and the Legal Defense Fund.
14 Q. Okay.
15 A. Uh-huh.
16 Q. And it was submitted on September 8th, 2011.
17 It that correct? Just going off the first page there.
18 A. That's correct.
19 Q. Okay. If you wouldn't mind turning to
20 Page 5. Let me know when you're there.
21 A. I'm there.
22 Q. Okay. At the bottom of Page 5, it says, For
23 example, in explaining the hardship that the proposed
24 photo ID law would impose on them, Prairie View
25 students stated. And following that sentence there's

1 in the way that you just described? 2 A. Minority IDs, I think they would -- they 3 would be impacted more than the non-minorities. 4 Q. And is that belief based on any kind of study 5 or analysis? 6 A. I mean, like I said -- as I said before, you 7 know, in order to get one of the forms of ID, 8 especially for those out-of-state students, and 9 especially the ones that are, you know African 10 American and, you know, Hispanic, like I said, because 11 of their economic status across the board compared to, 12 you know, their white counterparts, it's -- it puts -- 13 it puts -- it puts a burden for them, uh-huh. 14 Q. Does the Texas League support the idea that 15 only registered voters should be allowed to vote? 16 A. Only registered voters? 17 Q. Yes. 18 A. Yes, uh-huh. 19 Q. Does the Texas League believe that Texas 20 should make sure that people attempting to vote are 21 registered voters? 22 A. Okay. Restate your question -- 23 Q. Sure. 24 A. -- to make sure I understand. 25 Q. Does the Texas League believe that the State	106	1 casting a vote, they should be the same person who is 2 registered to vote? In other words, does the Texas 3 League believe that voter fraud should be prevented? 4 MS. KORGAONKAR: Objection. That's a 5 compound question as stated. 6 Q. (By Mr. Tatum) Okay. Let me rephrase. 7 A. Uh-huh. 8 Q. Does the Texas League believe that the person 9 who is registered to vote -- a person who is duly 10 registered to vote should be the same person that is 11 attempting to vote on election day? 12 A. Well, I mean, we believe that everyone who 13 has the right to vote has a right to vote. 14 Q. And does -- do you believe that when a 15 registered voter is voting, we should make sure that 16 they're the same person -- let me retract. 17 Mr. Green, do you think voter fraud should be 18 illegal? 19 A. I mean, I don't -- I mean, I don't know about 20 -- I mean, I don't know anything about pretty much 21 voter fraud, but -- but the way that SB 14 is on the 22 books now, you know, as I said before, makes it -- 23 makes it hard for certain people to actually vote. 24 And we believe that everyone who has a right to vote 25 should, in fact, have a right to vote without any --	108
1 of Texas should make sure that people attempting to 2 vote are registered voters? 3 A. Well, I don't know exactly what the State of 4 Texas should do, but I know that everyone who is 5 registered to vote should have the right to vote and 6 shouldn't have any barriers towards that -- towards 7 that right. 8 Q. Does the Texas League believe that -- and 9 this might be repeating my previous question and let 10 me know if it is. Does the Texas League believe that 11 the Texas should make -- that the State of Texas 12 should make sure that the person who is registered to 13 vote is the same person who is attempting to vote? 14 A. One more time. 15 Q. Does the Texas League believe that the State 16 of Texas should make sure that a person who is 17 registered to vote is the same person who is 18 attempting to vote? 19 A. I mean, like, as before I said before, I 20 don't know, you know, what the State of Texas should 21 do, but I know currently, the way it is now does leave 22 out, you know, a significant amount of people and 23 makes it harder for them to vote. 24 Q. Okay. Leaving the State of Texas out of it, 25 does the Texas League believe that when someone is	107	1 any -- you know -- without any burdens or challenges 2 to it. 3 Q. But do you think voter fraud should be 4 illegal? 5 A. Like I said, I think everyone who has a right 6 to vote should have a right to vote. 7 Q. Mr. Green, you're not answering my question. 8 I'm looking for a "yes" or "no." 9 MS. KORGAONKAR: Maybe I'll object to 10 vagueness to the term "voter fraud." 11 Q. (By Mr. Tatum) Okay. Do you have the notice 12 of this deposition in front of you in there somewhere? 13 A. (No verbal response.) 14 Q. Do you have the notice in front of you? 15 A. I do, uh-huh. 16 Q. Would you mind turning to Page 5, please? 17 A. (Complying.) 18 Q. When I refer to "voter fraud," I'm referring 19 to that term as it is defined in this notice and as it 20 was used in the deposition topics. If you would, 21 please, take a moment to just review that definition 22 and let me know when you're finished. 23 A. (Complying.) Okay. 24 Q. Have you had a chance to review that 25 definition?	109

<p>1 legislators that voted for that bill?</p> <p>2 A. I mean, I don't know which particular, I 3 guess, Texas citizens you're referring to, because, 4 you know, there's a lot of citizens that -- I mean, 5 that are Texas citizens who are left out of the 6 process because of, you know, the current laws on the 7 books as it relates to SB 14.</p> <p>8 Q. Does the Texas League believe that no 9 citizens of Texas support voter ID requirements?</p> <p>10 A. That no citizens?</p> <p>11 Q. Correct.</p> <p>12 A. I mean, I would imagine some citizens support 13 it.</p> <p>14 Q. Do you have the Amended Complaint in front of 15 you?</p> <p>16 A. (No verbal response.)</p> <p>17 Q. Do you have it in front of you?</p> <p>18 A. Uh-huh.</p> <p>19 Q. Okay. If you would please turn to Page 6.</p> <p>20 A. (Complying.)</p> <p>21 Q. Now, the question I'm about to ask is going 22 to be in reference to Paragraph 30. Does the Texas 23 League believe that SB 14 forces the Texas League to 24 divert its limited resources, both financial and 25 otherwise, away from fulfilling its core mission of</p>	<p>126</p> <p>1 Q. Yes.</p> <p>2 A. I mean, it's not the primary.</p> <p>3 Q. But does the Texas League believe that 4 educating its constituents regarding voting 5 requirements, and I should said voting laws, is a core 6 mission of the Texas League?</p> <p>7 MS. KORGAONKAR: Objection. It's been 8 asked and answered. You can answer.</p> <p>9 A. All right. I mean, one of the things that we 10 do is, like I say, we engage in people in all respects 11 of the electoral process. So we do -- you know -- you 12 know -- educate -- you know -- around -- you know -- 13 different laws or issues that impact them directly.</p> <p>14 Q. (By Mr. Tatum) Does the Texas League believe 15 that educating its constituents regarding the 16 requirements of SB 14 falls outside of its stated 17 mission?</p> <p>18 A. I mean, as one of our key sole 19 responsibilities, yes.</p> <p>20 Q. And how is educating its constituents 21 regarding the requirements of SB 14 different from 22 educating Texas League constituents regarding voter 23 requirements prior to SB 14?</p> <p>24 A. You know, I mean, as I said before, our -- 25 our main source -- or our main -- is to educate them</p>
<p>127</p> <p>1 registering and mobilizing young people of color to 2 vote, and, instead, towards helping its existing base 3 of voters secure one of the acceptable forms of ID 4 under SB 14?</p> <p>5 A. Yeah.</p> <p>6 Q. What is that belief based upon?</p> <p>7 A. Well, I mean, it's based upon our pursuit -- 8 our core mission is to register voters to educate them 9 about the process, you know, and also to do, sort of, 10 what we call "leadership training."</p> <p>11 Now, because of the enactment of SB 14, we've 12 been short of -- we're -- we have diverted our 13 resources to pretty much, you know, educate not only 14 -- not only our existing base of voters, but also our 15 new base of voters or constituency or population about 16 the -- about the particular SB 14 requirements under 17 the law.</p> <p>18 So rather than us doing our normal function, 19 we have diverted -- we have diverted our resources to 20 pretty much educating people about, you know, how to 21 obtain one of the forms of ID.</p> <p>22 Q. Does the Texas League believe that educating 23 its constituents about voting requirements is a core 24 function of the Texas League?</p> <p>25 A. Educating them about voting requirements?</p>	<p>129</p> <p>1 about the electoral process, to educate them about how 2 issues, you know, impact them, how issues affect them. 3 But since a lot of our constituent base, particularly 4 college students are affected by this law, we want to 5 made sure that -- are affected -- I mean, the ones 6 that are affected by this law -- I mean, we want to 7 make sure that those who are eligible are eligible to 8 vote.</p> <p>9 And -- you know -- you know -- we thought we 10 had our existing base secured, but, now, with the new 11 law, we have to make sure that they -- that they who 12 voted previously, prior to SB 14, can vote again, you 13 know, after the law has been enacted.</p> <p>14 So it has pretty much put a strain on, you 15 know, us being able to, you know, increase our voting 16 universe, add more people to the rolls through our 17 main focus -- one of our main focus is voter 18 registration has been deterred to actually, basically, 19 you know, make sure that our existing base of people 20 who will be registered who voted before and those who 21 are -- you know -- pretty much negative impact get the 22 requirements, so that they can vote -- that they can 23 vote again.</p> <p>24 MS. KORGAONKAR: Just slow down.</p> <p>25 Q. (By Mr. Tatum) Mr. Green, in that allegation</p>

	<p>130</p> <p>1 that I read on Page 6 of the Complaint in Paragraph 30 2 -- 3 A. Uh-huh. 4 Q. -- it makes a reference to limited resources, 5 financial and other. Obviously "financial resources" 6 means money. What does "other" refer to? 7 A. I mean, time. 8 Q. Anything else? 9 A. I mean, just pretty much -- pretty much time 10 and -- and -- right, pretty much time and, you know, 11 financial resources, uh-huh. 12 Q. So when they say limited resources, financial 13 and other, am I correct to say that you're referring 14 to financial resources and time? Is that what you -- 15 is that correct? 16 A. I mean, people's time is a resource. 17 Q. I agree. 18 A. Right. 19 Q. Are there any other kinds of resources that 20 the Texas League is referring to there? 21 A. I mean, other, no. 22 Q. (Indicating.) 23 A. Oh, I said other, no. 24 Q. I'm sorry. I didn't hear you. 25 Of all the resources at the disposal of the</p> <p>1 different -- you know -- meetings to talk about -- you 2 know -- you know -- how do we better communicate this 3 all to our constituent base. I mean, so all those are 4 examples of how -- you know -- our normal, I guess, 5 time during our core mission has been diverted to 6 combating this SB 14 law, uh-huh. 7 Q. Mr. Green, looking at Paragraph 31 on Page 6, 8 do you see that paragraph? 9 A. I do. 10 Q. Okay. Can you tell me what resources have 11 been diverted towards assessing who among the Texas 12 League constituency lacks one of the forms of required 13 photo ID under SB 14? 14 A. As I said before, I know -- you know -- 15 rather than just -- you know -- making phone calls to 16 them about getting out the vote -- you know -- we're 17 asking them -- you know -- do you have one of the 18 forms of required ID. 19 So it's -- it's taken extra time to have a 20 conversation with them about if they do have -- you 21 know -- one of the required forms of ID. And if not, 22 we're spending extra time -- you know -- call time or 23 either in-person time telling them the specific steps 24 of how to do it. And -- you know -- all that -- you 25 know -- all that takes -- takes time, and it takes</p>
	<p>131</p> <p>133</p> <p>1 Texas League, what portion of those resources are you 2 having to divert towards SB 14-related activities? 3 A. Which portion of it? Well, all of our -- I 4 mean, pretty much a combination of all the re -- all 5 the re -- pretty much all the resources that goes 6 into, you know, our daily core mission. So all of 7 that has been -- you know -- a portion of that has 8 really been diverted to, you know, incorporating, I 9 guess, making sure that people are educated in pretty 10 much all aspects, either it be with voter 11 registration, either it be with voter education or 12 even with leadership training. We have to divert some 13 of the resource that was geared towards that to divert 14 to make sure that it covers, you know, incorporating 15 an SB 14 education component, as well. 16 Q. Do you know what kind of time resources are 17 being diverted towards SB 14-related activities? 18 A. I mean, I can say with myself and our state 19 director and even members of our -- of our staff -- 20 you know -- rather than -- you know -- us -- you know 21 -- doing our essential Get Out the Vote -- you know -- 22 activities -- you know -- we're now -- you know -- 23 doing education -- going to do -- you know -- 24 educational presentations. I know myself and our 25 state director, we attend -- you know -- so many</p> <p>1 energy, and it takes more people. 2 Q. What kind of financial resources have been 3 diverted towards assessing who among the Texas League 4 constituency lacks one of the forms of required photo 5 ID under SB 14? 6 A. Financial resources, I know -- I know -- now, 7 this -- this -- 8 MS. KORGAONKAR: Objection as to form. 9 Sorry. 10 A. Uh-huh. And what do you mean by "forms"? 11 Q. (By Mr. Tatum) That's a question for your 12 attorney. Were you through answering the question? 13 A. No. I haven't started answering the 14 question. 15 Q. Okay. By all means, proceed. 16 A. Right. I'm saying, I mean, what do you mean 17 by "forms"? 18 Q. Oh, I'm sorry. You're referring to forms in 19 my question, not the objection, form. 20 A. In your question, right. 21 Q. Sorry. It says here in the Complaint under 22 Paragraph 31, it says, In particular, the Texas League 23 is now forced to undertake such activities as 24 assessing who among its constituency lacks one of the 25 forms of required photo IDs under SB 14.</p>

<p>1 I did not write this sentence, but I can only 2 assume it means the various documents that are 3 required to vote, the various forms of the photo ID 4 that are required to vote under SB 14, a driver's 5 licence, a concealed handgun license, state-issued 6 photo ID, et cetera.</p> <p>7 A. No. I thought your question was forms of -- 8 I think you said forms of resources or something or 9 forms of --</p> <p>10 Q. Okay. Let's start over.</p> <p>11 A. Right.</p> <p>12 Q. Let's start over. Can you tell me what 13 amount of financial resources have been diverted 14 towards assessing who among the Texas League 15 constituency lacks one of the forms of required photo 16 under SB 14?</p> <p>17 A. I mean, I don't know the specific amount.</p> <p>18 MS. KORGAONKAR: I'm objecting to the 19 form of the question. You can answer it.</p> <p>20 A. I mean, I don't know the specific amount.</p> <p>21 Q. (By Mr. Tatum) Mr. Green, can you tell me 22 what -- can you tell me how much time has been spent 23 hosting public education campaigns designed to inform 24 young voters of color that Defendants, State of Texas, 25 previously court-rejected photo ID law is now in</p>	<p>134</p> <p>1 document has been produced to the Defendants in the 2 litigation. Have you seen this document before?</p> <p>3 A. Yes.</p> <p>4 Q. Now, there's a box at the top of this 5 document that's obscuring the title of it or whatever 6 is at the top there. Do you know what's behind that 7 box?</p> <p>8 A. Oh, that's our logo.</p> <p>9 Q. That's the Texas League logo underneath that 10 box?</p> <p>11 A. Correct.</p> <p>12 Q. Okay. Mr. Green, this document says, down 13 there in the middle, the third paragraph, it says, 14 quote, With the long history of voter 15 disenfranchisement in Texas on the confusion of this 16 particular bill, we would have to do significant 17 election protection work for this election cycle.</p> <p>18 Below are two ways in which we could make this happen.</p> <p>19 Is that a correct reading of that paragraph?</p> <p>20 A. Correct.</p> <p>21 Q. Okay. And below that it says -- it lists, 1, 22 Launch a comprehensive education campaign. And 2, Run 23 a comprehensive election protection plan. Is that 24 correct?</p> <p>25 A. Correct.</p>
<p>1 effect?</p> <p>2 A. Well, I mean, I can't give the exact -- the 3 exact amount, but I know we are spending more time 4 taking more trips -- well, not more -- well, actually, 5 more trips to college campuses. I know we've been 6 called upon by a number of organizations who have used 7 as their constituency base that they've asked us, 8 because, you know, we're very familiar with the law, 9 to come to their events or to their public forums and, 10 you know, make a presentation about it. And some of 11 those are during the weekends, some of those are after 12 hours, some of them are during the day. But it's -- 13 it's -- it's -- it's out of -- it's out of the norm 14 and we're making it so frequently. Because one of our 15 key is, we want to make sure that -- you know -- 16 particularly young people and students, we want to 17 make sure that they -- you know -- you know -- they 18 were able to vote prior to SB 14, and we want to make 19 sure that they are. And that's one of the things that 20 we have been doing critically is ensuring that -- that 21 -- that base that voted in 2012 can vote again in 2013 22 and 2014.</p> <p>23 (Exhibit No. 10 marked.)</p> <p>24 Q. Mr. Green, I'm handing you what's been marked 25 as Exhibit 10. Mr. Green, I represent that this</p>	<p>135</p> <p>137</p> <p>1 Q. And below that it appears to be some 2 budgetary figures. Is that correct?</p> <p>3 A. That's correct.</p> <p>4 Q. Do you know if the comprehensive education 5 campaign or the comprehensive protection plan 6 referenced in the document were ever executed?</p> <p>7 MS. KORGAONKAR: Objection. Compound.</p> <p>8 You can answer.</p> <p>9 Q. (By Mr. Tatum) Let me rephrase. This 10 document says, Below are two ways in which we could 11 make this happen. To me, that indicates that the 12 comprehensive education campaign and comprehensive 13 election protection plan were just being proposed in 14 this document.</p> <p>15 A. Right.</p> <p>16 Q. Did the Texas League ever launch a 17 comprehensive education campaign as described in this 18 document?</p> <p>19 A. And this was back in 2012. I think, to the 20 extent this -- I know this was just a proposal to 21 receive funding. And I think -- back in 2012, I think 22 our education campaign pretty much focused on just Get 23 Out the Vote since, you know, the law wasn't enacted 24 at that time.</p> <p>25 Q. Did the Texas League ever run a comprehensive</p>

<p>1 education is part of the mission of the Texas League?</p> <p>2 A. Voter education?</p> <p>3 Q. Yes.</p> <p>4 A. Yes.</p> <p>5 Q. And does voter education include educating</p> <p>6 voters about existing voter laws?</p> <p>7 A. I mean, to a certain extent.</p> <p>8 Q. Okay.</p> <p>9 A. I mean, but that's not our core -- when we --</p> <p>10 when we say voter education.</p> <p>11 Q. What is your core when you say voter</p> <p>12 education?</p> <p>13 A. Voter education is making sure that they know</p> <p>14 their rights as a voter, you know, like when they go</p> <p>15 to the polls, if they're turned away, stuff like that.</p> <p>16 Q. So educating Texas League constituents about</p> <p>17 existing voter laws is not part --</p> <p>18 A. About existing voter laws?</p> <p>19 MS. KORGAONKAR: Objection.</p> <p>20 MR. TATUM: Sorry.</p> <p>21 MS. KORGAONKAR: Mischaracterizes what</p> <p>22 he said.</p> <p>23 Q. (By Mr. Tatum) Okay. Is educating Texas</p> <p>24 League constituents about existing voter laws not part</p> <p>25 of the Texas League's mission?</p>	<p>146</p> <p>1 member did take a couple of our, I guess, constituency</p> <p>2 to attain their -- their EIC. And as we know, gas is</p> <p>3 a financial resource. And, you know, let's -- let's</p> <p>4 be very clear that, you know, we did also educate and</p> <p>5 pass out print material and print collateral, and all</p> <p>6 those are financial resources, as well. You know,</p> <p>7 cost of printing, you know, cost of design, all that,</p> <p>8 you know, are, you know, budgetary items that are</p> <p>9 needed to -- you know -- to make this happen.</p> <p>10 Q. Can you tell me what amount of financial</p> <p>11 resources have been diverted towards the purposes you</p> <p>12 just described?</p> <p>13 A. The amount? I don't know the exact amount.</p> <p>14 Q. Does the Texas League believe that it has</p> <p>15 been unable to fulfill its mission because of SB 14?</p> <p>16 A. It has made it hard. I mean, it has put a</p> <p>17 burden on the organization, yes.</p> <p>18 Q. But has the -- does the Texas League -- I</p> <p>19 don't believe you answered my question. Does the</p> <p>20 Texas League believe -- or does it -- or does the --</p> <p>21 is the Texas League taking a position -- let me start</p> <p>22 over.</p> <p>23 Does the Texas League take the position that</p> <p>24 it has been unable to fulfill its stated mission</p> <p>25 because of SB 14?</p>
<p>1 A. I mean, it is part to a certain extent.</p> <p>2 Q. Okay. Would you agree that the law as</p> <p>3 enacted by SB 14 is an existing voter law?</p> <p>4 A. Currently, on the books, yes.</p> <p>5 Q. Okay. So by educating Texas League</p> <p>6 constituents about the requirements of SB 14, is the</p> <p>7 Texas League not fulfilling its mission to educate</p> <p>8 voters about existing voter laws?</p> <p>9 A. I mean, we are for that mission, but we don't</p> <p>10 want it to, you know, overshadow, you know, our</p> <p>11 critical work, which is, you know, voter registration,</p> <p>12 Get Out the Vote. Now, when you start -- like us,</p> <p>13 when we start getting to the point where, you know,</p> <p>14 that's literally the majority of our time is educating</p> <p>15 about, you know, a law that we think hinders our</p> <p>16 population, then it's sort of, when you about it, a</p> <p>17 deviation from, you know, our core activities.</p> <p>18 Q. Can you tell me how many time-related</p> <p>19 resources of the Texas League have been diverted</p> <p>20 towards providing financial assistance and</p> <p>21 transportation to young voters who lack the required</p> <p>22 photo IDs and/or underlying documents, so that they</p> <p>23 can acquire them where possible?</p> <p>24 A. Okay. Well, I mean, as I said before, I know</p> <p>25 there were several occasions where one of our staff</p>	<p>147</p> <p>149</p> <p>1 A. Yes.</p> <p>2 Q. In what way has it been unable to fulfill its</p> <p>3 stated mission because of SB 14?</p> <p>4 A. I mean, as I -- I mean, as I said before, you</p> <p>5 know, one of our key components -- I mean, one of our</p> <p>6 key, you know, areas is to get, you know, new people,</p> <p>7 you know, registered and out to vote.</p> <p>8 Like I said, now, we're basically, you know,</p> <p>9 making sure that our existing base, which we thought</p> <p>10 were secure, make sure that they know that -- you know</p> <p>11 -- about -- about the new law. And if it impacts</p> <p>12 them, make sure that they get the necessary documents.</p> <p>13 So when it gets to a point where -- you</p> <p>14 know -- rather than just registering voters or getting</p> <p>15 them out to vote, where we're incorporating a</p> <p>16 significant amount of time and energy, you know,</p> <p>17 pretty much combating and educating them and making --</p> <p>18 and walking them through -- walking them through, you</p> <p>19 know, hand in hand, you know, getting them the</p> <p>20 necessary forms of ID, then, I mean, that's a</p> <p>21 significant amount of time that we're spending just</p> <p>22 on, you know, SB 14 that we didn't have to before.</p> <p>23 Q. You mentioned getting new people to register</p> <p>24 to vote.</p> <p>25 A. Uh-huh.</p>

<p>1 Q. Do you know, on average, prior to SB 14, how 2 many new registered voters the Texas League was able 3 to -- let me state that again.</p> <p>4 Prior to SB 14, do you know, on average, 5 average how many voters the Texas League helped 6 register for the first time?</p> <p>7 A. I mean, I don't know the exact number, but I 8 know it's significantly higher than the amount we're 9 registering now.</p> <p>10 Q. Can you give me a ballpark percentage of how 11 much lower it is now, as opposed to before SB 14?</p> <p>12 A. I mean, I don't have that -- I mean, I don't 13 -- I can't -- I mean, I -- I don't have information 14 off the top of my head. I would have to. . .</p> <p>15 Q. Does the Texas -- do you know how many -- or 16 does the Texas League maintain that kind of 17 information about how many new registered voters it 18 has -- about how many voters it has helped -- let me 19 start over.</p> <p>20 Does the Texas League maintain information 21 indicating how many voters it has helped register for 22 the first time in a given year?</p> <p>23 A. I mean, we have some information, but it's 24 not -- I mean, it's not -- I mean, it's not -- I mean, 25 I would say it's not categorized as, you know, these</p>	<p>150</p> <p>1 know, VR -- I guess, what I mentioned before as 2 tabling isn't as much as now, because we're now, 3 basically, just making presentations and actually, you 4 know, educating about this new law.</p> <p>5 Q. And for the record, when you say "VR"?</p> <p>6 A. Voter registration.</p> <p>7 Q. Okay. Does the Texas League believe that any 8 of its SB 14-related activities fall outside of the 9 scope of the Texas League's mission?</p> <p>10 A. I already answered that question.</p> <p>11 Q. Okay. I don't believe -- I've asked -- I've 12 asked you a lot of questions about the Texas League's 13 mission today, especially with regard to SB 14, but I 14 don't think I've asked this specific one.</p> <p>15 A. Okay.</p> <p>16 Q. So, if I may, I'll repeat it.</p> <p>17 A. Uh-huh.</p> <p>18 Q. Does the Texas League believe that any of its 19 SB 14-related activities fall outside of the scope of 20 its stated mission?</p> <p>21 A. Of our core mission, yes.</p> <p>22 Q. And what activities are those?</p> <p>23 A. What, our core?</p> <p>24 Q. What SB 14-related activities that the Texas 25 League engages in fall outside of the scope of its</p>
<p>1 people we registered to vote. Right. Because we 2 don't -- we -- because -- you know -- we don't -- you 3 know -- possess that type of information.</p> <p>4 Q. So when you say that you haven't been able 5 to, for lack of a better word, get as many new 6 registered voters while SB 14 is in effect --</p> <p>7 A. Uh-huh.</p> <p>8 Q. -- as opposed to before it was in effect --</p> <p>9 A. Right.</p> <p>10 Q. -- what is that statement based on?</p> <p>11 A. Well, what I mean by that is that -- you 12 know -- prior to SB 14 -- you know -- we -- you know 13 -- we have the time and the resource to -- you know -- 14 to attend college campuses and strictly do -- you know 15 -- voter registration now, after SB 14, you know, 16 we're spending a lot of our time -- I mean, we're 17 still doing VR, because that's -- like I say, that's 18 one of our core missions.</p> <p>19 But, now, some of the time is, you know, like 20 I said, going to, you know, speak at events or, you 21 know, making presentations. So a lot of our, I guess, 22 staff and, you know, volunteers are -- are now sort of 23 like in an educational phase, rather than just going 24 out registering to vote.</p> <p>25 I mean, so I know that the number of, you</p>	<p>151</p> <p>153</p> <p>1 core mission?</p> <p>2 A. Well, I mean, as I said before, our core 3 mission is voter registration and Get Out the Vote. 4 It's not solely, you know, about making phone calls to 5 ask people who we've registered and who voted last 6 time if they have the ID to register -- you know -- to 7 be able to register again.</p> <p>8 I mean, our core mission is actually, you 9 know, bringing new people into the process and, you 10 know, getting them acclimated to electoral process, 11 not -- not solely -- you know -- like I said, now, we 12 are -- we have to go back to the people we registered 13 before and actually calling them and making sure. So 14 it's sort of like double work in some sense.</p> <p>15 MR. TATUM: I think I've just got a few 16 more questions here and then we're done.</p> <p>17 MS. KORGAONKAR: Okay.</p> <p>18 Q. (By Mr. Tatum) Mr. Green, have any Texas 19 League constituents ever raised an allegation or 20 concern relating to election crimes to the Texas 21 League?</p> <p>22 MS. KORGAONKAR: I just want to note for 23 the record that we objected to that topic in the 24 30(b)(6) notice, but you can answer the question.</p> <p>25 A. I don't know. We don't -- I mean, that's not</p>

	<p>154</p> <p>1 our core mission. We don't focus on election crimes. 2 Q. (By Mr. Tatum) Do y'all focus on voter 3 fraud? 4 A. Do we focus on voter fraud? That's not what 5 our core mission is. 6 Q. So has the Texas League conducted any 7 calculations, reports, audits, estimates, projections, 8 or other analyses relating to election crimes or voter 9 fraud? 10 A. No. 11 Q. Mr. Green, to the best of your knowledge, has 12 the Texas League provided all documents responsive to 13 the Defendants request for production in this case 14 that were in the Texas League's possession, custody, 15 or control? 16 A. To the best of my knowledge, yes. 17 Q. Mr. Green, do you know a Mr. Yannis Banks? 18 A. Do I know him? 19 Q. Yes. 20 A. I've seen his name. 21 Q. Have you ever met or conferred with him about 22 anything? 23 MS. KORGAONKAR: Objection. Beyond the 24 scope, but you can answer that. 25 A. Yannis Banks, I know who he is. I haven't</p> <p>1 to that. 2 A. Okay. 3 MR. TATUM: All right. Well, I have no 4 more questions for you and I pass the witness. 5 MS. KORGAONKAR: So we'll just take a 6 break right now and then reconvene. 7 MR. TATUM: Sure. 8 (Break.) 9 MS. KORGAONKAR: I'm ready to go back on 10 the record. We just have a couple of questions for 11 redirect. 12 MS. MILLER: Okay. 13 EXAMINATION 14 QUESTIONS BY MS. KORGAONKAR: 15 Q. Mr. Green, earlier you testified that when 16 you used the term "constituents" today, you've meant 17 people who have taken actions with the League, signed 18 petitions or signed pledge cards. Is that right? 19 A. That's correct. 20 Q. And you've also used the term "constituency 21 base." Is that right? 22 A. Correct. 23 Q. And is it correct that that doesn't 24 necessarily mean people who have taken an action with 25 the League or signed a petition or anything like that?</p>
	<p>155</p> <p>1 spoken to him about anything. 2 MR. TATUM: Okay. Could we go off the 3 record real quick? 4 (Discussion off the record.) 5 MR. TATUM: Okay. Back on the record. 6 Q. (By Mr. Tatum) Okay. Mr. Green, we were 7 talking about this before, but we moved on after we 8 kind of got bogged down. I was asking you whether the 9 Texas League believes that the legislature, in 10 enacting SB 14, departed from its normal legislative 11 procedures. That's what we were talking about. 12 So I'm going to ask again: Does the Texas 13 League believe that the Texas Legislature departed 14 from its normal legislative practices and procedures 15 in enacting SB 14? 16 A. I don't know. 17 Q. Well, I don't have anything else for you, 18 Mr. Green, now that we've come to this point. 19 A. Okay. 20 Q. And before I pass the witness, do you have 21 any -- anything you'd like to clarify or modify with 22 regard to any of your answers given today? 23 A. I'm trying to think. 24 Q. And you can think about it after we break. 25 And if they ask you any questions, you can come back</p> <p>1 A. Yes, that's correct. 2 Q. Does constituency base, the way that you've 3 used today, mean the League's target demographic? 4 A. Right, our target population. 5 Q. What is a target population? 6 A. Eighteen to thirty-five-year-olds, 7 particularly young people of color. 8 Q. I'd like to just draw your attention back to 9 Exhibit, I believe it was 3, the list. 10 A. Oh, is this it? (Indicating.) 11 Q. This one, yes. 12 A. Okay. 13 Q. Earlier, you testified that that document is 14 a partial list of constituents. Is that right? 15 A. Correct. 16 Q. Does the League represent the interests of 17 constituents in this lawsuit? 18 A. Yes. 19 MS. KORGAONKAR: If we could just go off 20 the record for one moment? 21 (Discussion off the record.) 22 MS. KORGAONKAR: Okay. Those are all 23 the questions that we have. 24 THE WITNESS: Okay. 25 MS. KORGAONKAR: Does DOJ have any</p>

<p>1 *****</p> <p>2 ORAL DEPOSITION OF</p> <p>3 CAROLYN GUIDRY</p> <p>4 JULY 24, 2014</p> <p>5 *****</p> <p>6</p> <p>7 ORAL DEPOSITION of CAROLYN GUIDRY, produced as</p> <p>8 a witness at the instance of the Plaintiffs, was taken</p> <p>9 in the above-styled and numbered cause on JULY 24, 2014,</p> <p>10 from 10:47 a.m. to 2:37 p.m., before Cynthia C. Miller,</p> <p>11 CSR in and for the State of Texas, reported by machine</p> <p>12 shorthand, at the Jefferson County Courthouse, District</p> <p>13 Attorney's Office, 1085 Pearl Street, Third Floor,</p> <p>14 Beaumont, Texas, pursuant to the Federal Rules of Civil</p> <p>15 Procedure and the following stipulation and waiver of</p> <p>16 counsel:</p> <p>17 IT WAS STIPULATED AND AGREED by and between</p> <p>18 counsel that if the original of said deposition is not</p> <p>19 signed or available at the time of trial or any hearing,</p> <p>20 an unsigned copy may be used in lieu thereof.</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>2</p> <p>1 APPEARANCES CONTINUED</p> <p>2 FOR THE DEponent:</p> <p>3 Ms. Kathleen M. Kennedy</p> <p>4 Mr. Philip Babin</p> <p>5 ASSISTANTS DISTRICT ATTORNEY</p> <p>6 1085 Pearl Street, Third Floor</p> <p>7 Beaumont, Texas 77701</p> <p>8 Tel: 409-835-8550</p> <p>9 Fax: 409-784-5893</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
<p>1 APPEARANCES</p> <p>2 FOR THE PLAINTIFFS:</p> <p>3 Ms. Emma Simson</p> <p>4 CAMPAIGN LEGAL CENTER</p> <p>5 215 E. Street, NE</p> <p>6 Washington, DC 20002</p> <p>7 Tel: 202-736-2200, ext. 12</p> <p>8 Fax: 202-736-2222</p> <p>9 Email: ESimson@campaignlegalcenter.org</p> <p>10 Mr. Chad W. Dunn</p> <p>11 BRAZIL & DUNN</p> <p>12 4201 Cypress Creek Pkwy, Suite 530</p> <p>13 Houston, Texas 77068</p> <p>14 Tel: 281-580-6310</p> <p>15 Fax: 281-580-6362 (fax)</p> <p>16 Email: chad@brazilanddunn.com</p> <p>17 FOR THE PLAINTIFF UNITED STATES OF AMERICA:</p> <p>18 Mr. Bruce Gear (by telephone)</p> <p>19 DEPARTMENT OF JUSTICE</p> <p>20 Civil Rights Division</p> <p>21 950 Pennsylvania Avenue N.W. (NWB-7200)</p> <p>22 Washington, D.C. 20530</p> <p>23 Tel: 202-514-2919</p> <p>24 Fax: 202-307-3961</p> <p>25 Email: bruce.gear@usdoj.gov</p> <p>18 FOR THE DEFENDANTS STATE OF TEXAS,</p> <p>19 RICK PERRY, JOHN STEEN, AND STEVE McCRAW:</p> <p>20 Mr. S. Ronald Keister</p> <p>21 DEPUTY ATTORNEY GENERAL FOR LITIGATION</p> <p>22 Southern District of Texas No. 10418</p> <p>23 209 West 14th Street</p> <p>24 Austin, Texas 78701</p> <p>25 Tel: 512-475-0131</p> <p>22 Fax: 512-475-2994</p> <p>23 Email: ronny.keister@oag.state.tx.us</p>	<p>3</p> <p>1 INDEX</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p>5</p> <p>1 INDEX</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>

<p>1 CAROLYN GUDRY, 2 having been first duly sworn, testified as follows: 3 EXAMINATION 4 BY MS. SIMSON: 5 Q. Could you go ahead and state your name for the 6 record, please? 7 A. Carolyn Guidry. 8 Q. Excellent. And are you represented by an 9 attorney here today? 10 A. Yes, I am. 11 Q. And who would that be? 12 A. Kathleen Kennedy. 13 Q. Okay. Excellent. My name is Emma Simson, and 14 this is Chad Dunn. We represent the Veasey/LULAC 15 plaintiffs in this lawsuit. Do you understand you're 16 not a party to this lawsuit? 17 A. I am. 18 Q. Have you ever been deposed before? 19 A. Yes, I have. 20 Q. How many times? 21 A. Probably twice. 22 Q. Do you recall what the cases were about? 23 A. I remember the most recent case. 24 Q. Okay. What was that one about? 25 A. It had to do with property.</p>	<p>6</p> <p>1 A. Yes. 2 Q. Excellent. The next is that this shouldn't 3 take too long, but we can then try to take a break very 4 shortly after that. 5 A. I will. 6 Q. Excellent. So to start us off, can you give 7 us a bit of background about yourself, where you're 8 from, where you went to school, past jobs? 9 A. All right. My name is Carolyn Guidry. I am 10 originally from Beaumont, Texas. I've lived here the 11 majority of my life. I went to school here. Attended 12 Catholic school, first part of my life through 8th 13 grade. 14 I went on and attended Hebert High 15 School. Got married at an early age. I attended some 16 business school. 17 I was hired on with Southwestern Bell in 18 1974. I worked for them for 30 years. Within that 30 19 years, I had several jobs in the business office, in the 20 network department. I worked on equipment. 21 I was transferred to Houston for nine 22 years. I worked in major marketing there. I returned 23 to Beaumont, worked in the network department. I worked 24 on the equipment. 25 I was vice president of my union, CWA.</p>
<p>7</p> <p>1 Q. Property? 2 A. Uh-huh. 3 Q. Did either of the depositions have anything to 4 do with elections? 5 A. No, it did not. 6 Q. Okay. And you are the County Clerk for 7 Jefferson County; is that correct? 8 A. That's correct. 9 Q. Excellent. So before we get started, I know 10 you've given two depositions before, but just a few 11 ground rules to kind of make this go smoothly. 12 The first is: If you don't understand a 13 question that I ask, please let me know, and I'll try to 14 rephrase it in a way that makes sense. 15 A. Okay. 16 Q. Excellent. The second is that I ask that we 17 try to avoid talking over each other. So I will do my 18 best to wait until you finish your answer, and I'll ask 19 you to wait until I finish my question before you 20 answer. Does that make sense? 21 A. Okay. 22 Q. The next I would ask is that you give verbal 23 answers because the court reporter is trying to get this 24 down, so if you nod or make a noise, she won't be able 25 to get that down. Do you understand that?</p>	<p>9</p> <p>1 And I retired after 30 years with Southwestern Bell. 2 I ran for office in 2004 for county 3 clerk, and I was elected at that time for an unexpired 4 term. So I've been county clerk since October of 2004. 5 And I am serving in my ninth year as county clerk. 6 And as county clerk, I oversee the 7 elections for Jefferson County. 8 Q. Excellent. 9 A. Here I am. 10 Q. And did you run with a political party when 11 you ran for county clerk? 12 A. Yes, I did. 13 Q. And which party was that? 14 A. Democrat party. 15 Q. Excellent. Have you had any other experience 16 working in a campaign? 17 A. I have worked campaigns since I was about 12 18 years old. I've always done -- I get out the vote 19 campaigns. I have -- my uncle was very politically 20 active, so I've been involved in campaigns since he -- 21 at a very, very young age. 22 So I always been involved, especially 23 being a union official, I was always very, very 24 involved, so yes. 25 Q. All right. So to turn to your responsibility</p>

<p>1 as county clerk, so you mentioned that you have some 2 election-related responsibilities. What do those 3 entail?</p> <p>4 A. I do the elections for -- I administer the 5 elections for the county, so I'm responsible -- my 6 responsibilities are to do any elections that's called 7 by the Governor, or by the commissioners, but I also do 8 the elections for the political subdivisions. I 9 contract with them to do their elections as well.</p> <p>10 So as an administrator, what I do is I 11 make sure once they are given me -- once they call their 12 elections and do their part, which is to call the orders 13 and post their notices and stuff, I take their 14 information, I make sure that their ballots are done, I 15 do all their ballot information. I get it programmed. 16 We do all the testing of the equipment. 17 We deploy all the equipment. I employ all the election 18 workers. Do all the payroll for those. Staff all the 19 polling locations. Do all the training for the polling 20 locations. And make sure that we have the adequate 21 staffing for the counting station on election night. 22 And make sure that they have what they need. 23 I am not responsible for the actual 24 tabulation because those are appointed by Commissioners 25 Court. But everything else I'm responsible for.</p>	<p>10</p> <p>1 overseas the entire department. So she's responsible 2 for everything goes -- that goes on, starting with the 3 processing of all the mail ballots, all the way down to 4 everything that they do to make sure that they get all 5 the information they need to make sure the program is 6 done, to make sure the equipment is processed, the 7 equipment is programmed everything that they need is 8 done. Just make sure that they are made ready for all 9 the elections.</p> <p>10 Q. Okay.</p> <p>11 A. Frederick Cribbs, the programmer, which he has 12 some training, he's new, and he does not do all the 13 programming right now, we're outsourcing that. But once 14 he gets fully trained, he will do all the programming of 15 our ballots and stuff.</p> <p>16 Right now, he does other Web site 17 updating, the EA tablets that we use to process the 18 voters and stuff. So he has a lot of other 19 responsibilities as well.</p> <p>20 Toy Taylor, she's the warehouse 21 supervisor, she maintains all the equipment. She 22 actually works with programming the equipment, once we 23 get the program to program each Etronics, once it's sent 24 out to the field.</p> <p>25 They also help -- all of them help with</p>
<p>1 Q. Do you also have responsibilities for voter 2 registration?</p> <p>3 A. No, I don't.</p> <p>4 Q. And who has responsibility for that?</p> <p>5 A. The voter registrar which is the tax 6 assessor/collector.</p> <p>7 Q. And who is that for Jefferson County?</p> <p>8 A. Right now it is Terry -- I can't say her last 9 name. She's an interim.</p> <p>10 Q. Okay. So you've been doing this now for about 11 nine years. And how many staff do you have in your 12 office?</p> <p>13 A. As a county clerk, I have 35 people in my 14 office. For the election department, I have five people 15 in the election department.</p> <p>16 Q. And who are the five that are in the election 17 department?</p> <p>18 A. Right now, the election manager is Naomi 19 Doyle. The election programmer is Frederick Cribbs. 20 The warehouse manager is Toy Linton. I have Denise 21 Plumber is a voting technician, and then Adrian Taylor 22 is also a voting technician.</p> <p>23 Q. And what do each of those employees do? What 24 are their responsibilities?</p> <p>25 A. Naomi Doyle is the election manager. She</p>	<p>11</p> <p>13</p> <p>1 all the testing and everything before it is deployed. 2 Of course, the voting technicians work under the 3 direction of the warehouse supervisor with all the 4 testing and making sure everything is operable.</p> <p>5 Q. Excellent. To go back for a second, did you 6 receive a deposition notice today that requested 7 documents?</p> <p>8 A. Yes, I did.</p> <p>9 Q. And did you bring documents with you today?</p> <p>10 A. Yes, I did.</p> <p>11 Q. And could you describe generally what's 12 included in those documents?</p> <p>13 A. Well, what's in those documents -- first, I 14 pulled the Senate bill, which is what we're talking 15 about. Also pulled things like the press releases that 16 we did pertinent to the photo ID, signs that we post at 17 the polling locations, training material that we use to 18 train our poll workers.</p> <p>19 Public request we got pertaining to the 20 photo ID or anything to do with the photo ID or the 21 Senate bill.</p> <p>22 Any complaints we got about the photo ID. 23 Budget allocations that we did to finance, finance for 24 photo ID. Money we spent for advertising for photo ID 25 for what was required when they come to the polling</p>

<p>1 locations.</p> <p>2 The mailing that went out for the 2014</p> <p>3 tax statements that went out. Communications that I had</p> <p>4 between Judge Branick, as well as the Secretary of</p> <p>5 State, that was regarding photo ID.</p> <p>6 Communications and e-mails that we had</p> <p>7 when we were trying to set up -- set up for an EIC in</p> <p>8 order for the people in Jefferson County that did not</p> <p>9 have the proper photo ID to be able to obtain their EIC</p> <p>10 certificates to be able to vote.</p> <p>11 Provisional ballots that we had during</p> <p>12 the March primary and the runoff election that had to do</p> <p>13 with voter ID, people that had to vote originally, as</p> <p>14 well as the list of our election workers.</p> <p>15 And then we only had one alleged incident</p> <p>16 that might have been voter fraud. Those are the</p> <p>17 documentation that I pulled.</p> <p>18 Q. Excellent. And was there someone in your</p> <p>19 office who was put in charge of collecting all the</p> <p>20 documents that were responsive, or did you do that</p> <p>21 yourself?</p> <p>22 A. I collected those documents.</p> <p>23 Q. You did that, okay. And was there any search</p> <p>24 for documents outside of the county clerk's office but</p> <p>25 that might be in possession of the county?</p>	<p>14</p> <p>1 Q. Nobody contacted you separately from the</p> <p>2 e-mail saying "get ready"?</p> <p>3 A. Judge Branick, our county judge, sent us an</p> <p>4 e-mail, as well as the e-mail we got from the Secretary</p> <p>5 of State's office.</p> <p>6 Q. Okay. And when you got that e-mail, what did</p> <p>7 the office have to do to get ready to implement S.B. 14?</p> <p>8 A. Well, nothing. Well, we just had to make sure</p> <p>9 that we had -- well, when they sent us the e-mail, they</p> <p>10 also sent some things that we could send press releases</p> <p>11 and stuff for, and we needed to get ready because the</p> <p>12 next election was in November.</p> <p>13 So knowing that was the next election</p> <p>14 that would be affected by Senate Bill 14, then we</p> <p>15 started looking at some things that we would have to</p> <p>16 plan ahead for to make sure everybody had proper ID.</p> <p>17 Q. Were there any elections before November, any</p> <p>18 local elections?</p> <p>19 A. No.</p> <p>20 Q. And so you get the notification. Did you have</p> <p>21 to train your staff or the elections department? What</p> <p>22 kind of training did they receive on implementing S.B.</p> <p>23 14?</p> <p>24 A. Well, they got training prior to the November</p> <p>25 election. And that was in their regular poll workers</p>
<p>15</p> <p>1 A. No.</p> <p>2 Q. So we are here to talk today about Senate</p> <p>3 Bill 14. And if I say S.B. 14, you understand that I'm</p> <p>4 talking about the photo ID bill that was passed in 2011;</p> <p>5 correct?</p> <p>6 A. Yes.</p> <p>7 Q. Excellent. So when did your office start</p> <p>8 implementing, start working to implement S.B. 14?</p> <p>9 A. When the Senate bill originally came out, of</p> <p>10 course, it was not implemented. So it wasn't until we</p> <p>11 got notification in June that it was going to go into</p> <p>12 effect, and that was after the -- to do with the -- I've</p> <p>13 got to back up a little bit.</p> <p>14 Q. Are you thinking of the Supreme Court case</p> <p>15 came down?</p> <p>16 A. Yeah, the Supreme Court case came down and</p> <p>17 then did away with something, I can't remember. It's in</p> <p>18 here. I would have to go back and look at it.</p> <p>19 And then all of a sudden, Greg Abbott</p> <p>20 said we are going to implement it, even though we were</p> <p>21 not going to implement it when it was passed. That was</p> <p>22 in June of 2013, I think.</p> <p>23 Q. How did you receive notification it was going</p> <p>24 to go into effect?</p> <p>25 A. Through the Secretary of State.</p>	<p>17</p> <p>1 training that we would have done prior to the election.</p> <p>2 Q. And what is the regular poll worker training</p> <p>3 consist of?</p> <p>4 A. Well, they have an on-line training, but that</p> <p>5 on-line training did not include that. We have a Power</p> <p>6 Point training. And we have that -- I have that</p> <p>7 material also in what I brought here today.</p> <p>8 Q. When you say the on-line training didn't</p> <p>9 include that, are you saying the on-line training didn't</p> <p>10 include any information on photo ID?</p> <p>11 A. Right. I didn't see any. I think the</p> <p>12 Secretary of State eventually put some on-line training</p> <p>13 on there, but not the on-line training that we had at</p> <p>14 the time.</p> <p>15 Q. And when you say "at the time," when was this?</p> <p>16 A. Well, at the time that the ruling came out on</p> <p>17 June 27, there was nothing on-line at that time.</p> <p>18 Q. Okay.</p> <p>19 A. So we implemented something, we added</p> <p>20 something to our Power Point training to include the</p> <p>21 photo ID, Senate Bill 14.</p> <p>22 Q. So you added that into a special training</p> <p>23 materials?</p> <p>24 A. Into our Power Point training, correct.</p> <p>25 Q. When did you give your Power Point training to</p>

<p>1 your employees?</p> <p>2 A. We gave it, I want to say, November the 5th.</p> <p>3 It was for the November 5th training. Let me log on</p> <p>4 here, and I'll tell you. I'm not sure exactly what date</p> <p>5 it was given, but it was prior to the November.</p> <p>6 Q. Do you know if it was right after the</p> <p>7 notification was given in June?</p> <p>8 A. No, it wasn't.</p> <p>9 Q. Closer to the election?</p> <p>10 A. What we normally do is we start training</p> <p>11 before the early voting period starts. So normally we</p> <p>12 have training like a month before early training starts.</p> <p>13 We were in training for at least two</p> <p>14 weeks, because we have 200 people for training. So we</p> <p>15 have training classes four days a week. They are like</p> <p>16 two or three-hour sessions, and people come out to the</p> <p>17 county session to train.</p> <p>18 Q. So you offer them four days a week. Are</p> <p>19 people expected to come all four days, or do they pick</p> <p>20 one?</p> <p>21 A. No, they only come for two to three, two to</p> <p>22 three hours one day. And we assign them classes.</p> <p>23 Q. So this is an in-person training?</p> <p>24 A. Right.</p> <p>25 Q. For all the people that are going to work on</p>	<p>18</p> <p>1 A. Oh, it's mandatory for us, because we have a</p> <p>2 tracking system, and we can tell whether or not they</p> <p>3 have taken all the classes.</p> <p>4 Q. Okay. And how many classes do they have to</p> <p>5 take on-line?</p> <p>6 A. It's a whole program of classes. I mean, it's</p> <p>7 like -- I'd have to look at that program. It's our</p> <p>8 clarity program, and it's just a different course that</p> <p>9 tells you how to set up the polling locations. It tells</p> <p>10 you how to qualify a voter.</p> <p>11 It's just a regular, normal set-up of</p> <p>12 poll worker training. And it has different -- I mean,</p> <p>13 it just has different classes of training of how A to B</p> <p>14 of what you do the entire day.</p> <p>15 Q. Was there any special training on the photo ID</p> <p>16 and how to accept voters' identification?</p> <p>17 A. No, the training on photo ID was the training</p> <p>18 that we gave in person.</p> <p>19 Q. And that was developed by the county?</p> <p>20 A. Right.</p> <p>21 Q. And did you receive materials from the</p> <p>22 Secretary of State, like Power Points, or other training</p> <p>23 materials to use when you educated your employees, or</p> <p>24 your co-workers?</p> <p>25 A. We did get some material from the Secretary of</p>
<p>19</p> <p>1 the polls on election days?</p> <p>2 A. Right.</p> <p>3 Q. Is there any training you had to do with your</p> <p>4 staff in the office, the five people you mentioned</p> <p>5 earlier?</p> <p>6 A. No, we train them as we go. We train them</p> <p>7 with the poll workers.</p> <p>8 Q. And did you attend any training for county</p> <p>9 clerks from the Secretary of State's office, or anybody</p> <p>10 from the state?</p> <p>11 A. No, not at that time.</p> <p>12 Q. Do you know if they offered any training on</p> <p>13 those?</p> <p>14 A. Not that I'm aware of. I know when the senate</p> <p>15 bill initially came out 2011, we had got a lot of</p> <p>16 literature at that time that we read. And we went over</p> <p>17 in the election law seminar prior to that, but that was</p> <p>18 back in 2011 when the bill first passed. But nothing</p> <p>19 after that time.</p> <p>20 Q. Okay. So the training that the poll workers</p> <p>21 in Jefferson County receive, is it just the in-person,</p> <p>22 or do they also do an on-line training?</p> <p>23 A. They have some on-line training as well.</p> <p>24 Q. And do you know if it's voluntary, or is it</p> <p>25 mandatory?</p>	<p>21</p> <p>1 State that we implemented into our entire training.</p> <p>2 Q. So did you use those, or did you just</p> <p>3 incorporate those into the county training?</p> <p>4 A. We incorporated some of it into the county's</p> <p>5 training.</p> <p>6 Q. Okay. So you mentioned that the November</p> <p>7 elections were the first elections when you had to</p> <p>8 implement S.B. 14. How many elections total have you</p> <p>9 had to implement S.B. 14 now?</p> <p>10 A. Four. We had November 2013. We had the March</p> <p>11 primary. We had the May election, the May special</p> <p>12 district -- special senate district election. Then we</p> <p>13 had the May runoff election.</p> <p>14 Q. So in May, is that two or three? There was a</p> <p>15 special senate district election, and then a May runoff</p> <p>16 election?</p> <p>17 A. We had two elections in May, one in March, and</p> <p>18 then the November election. So that's four elections</p> <p>19 now.</p> <p>20 So we're getting on our fifth election,</p> <p>21 which is August the 5th, this one coming up. So we've</p> <p>22 had four already.</p> <p>23 Q. And what is the election August 5th?</p> <p>24 A. That's the runoff from the Senate District 4</p> <p>25 special election.</p>

1 Q. So I asked before about your office -- what
 2 your office had to do to implement S.B. 14. Did you
 3 have to change forms and other materials in preparation
 4 for the elections?

5 A. Yeah, forms had to be changed, because even on
 6 the provisional ballots, there's a special form had to
 7 be changed to say whether or not they were voting
 8 provisionally because they did not have valid photo ID.

9 Q. And does the county cover the cost associated
 10 with changing those forms?

11 A. No. Of course, everything that,
 12 unfortunately, legislature done, most of the time is
 13 unfunded mandate. So the cost is not assumed by no one
 14 but the county.

15 Q. Okay. So you also mentioned that you did some
 16 stuff to educate voters. What types of things did you
 17 do to educate voters?

18 A. We had radio time that we did to educate the
 19 voters. We did workshops to educate the voters. We
 20 would reach out to different organizations and go out
 21 and talk to them.

22 Like I said, we did the tax inserts for
 23 every tax statement that went out. I have that material
 24 here for you. We did it English and Spanish. They were
 25 little, you know, little slips that went out in every

1 Q. Do you know how much that cost the county to
 2 run those ads?
 3 A. Yeah, I have the bills here. The first one in
 4 March was a little over 7,000. And the ones in May was
 5 right about \$2,600.

6 Q. And what did those radio ads generally say?

7 What was generally the content of those?

8 A. Well, let me get to it, I'll tell you. It
 9 basically told them to bring the proper photo ID. It
 10 just said, "It's time to make your vote count in March,
 11 Republican and Democratic primary elections, voters are
 12 now required to present an approved form of photo
 13 identification in order to vote in Texas. Make sure you
 14 have the approved photo ID required when going to the
 15 polls."

16 And it talks about when early voting
 17 begins. So it just reminded them to make sure you had
 18 the right photo ID for the polls.

19 MR. KEISTER: Can I state that the
 20 witness was reading from her personal computer? It's
 21 not a criticism. And was what you just read, was that
 22 part of the documents that you're producing today?

23 THE WITNESS: Yes, I did, and I do have
 24 the disks in my office of what was recorded. And that
 25 was the announcement, because I wrote the announcement.

1 tax statement to let them know when you go to vote now
 2 you have to have voter ID.

3 Those are the things we did to make sure
 4 the voters knew when they went to vote, effective
 5 immediately, that you now had to have these type of
 6 photo ID.

7 Q. Did the county do any billboards?

8 A. No, we did not do any billboards.

9 Q. Or television ads?

10 A. No television ads.

11 Q. Nothing on busses, or brochures in offices?

12 A. No.

13 Q. Okay. So the radio ads, do you remember when
 14 those ran?

15 A. I have the schedules of everything they ran.
 16 Most of it ran during the election period before early
 17 voting started for the March primary, and also for the
 18 runoff, for the primary election.

19 Q. Do you know if any radio ads were put on
 20 before the November election?

21 A. No, we didn't do anything before the November
 22 election.

23 Q. Okay. And did -- so the county paid for the
 24 radio ads?

25 A. Right.

1 Q. (By Ms. Simson) So the radio ad didn't
 2 mention anything about the election identification
 3 certificates, the free voter ID?

4 A. No, it didn't mention that in this ad, no.

5 But we did do a campaign about the EICs. And, like I
 6 said, I have some e-mails that we went back and forth.
 7 Because at one point we did have -- the
 8 Secretary of State had a campaign with the state DPS
 9 office to do EIC cards.

10 They brought two mobile units down here.

11 They were down here for two days, and we had the mobile
 12 units down here, which we did advertise for people to be
 13 able to go to the locations.

14 There were two different locations, one
 15 each day. One here in the Beaumont area. The other one
 16 in the Port Arthur area where they could go, if they
 17 needed to, to go get an EIC, rather than try to visit
 18 the DPS offices here, on those two days to get an EIC
 19 card, if they were required to do so.

20 We did have advertisements for that
 21 available. And we did try to do that in advance. That
 22 was the only time that we did have advertisement about
 23 obtaining EIC cards.

24 And that was in conjunction with the
 25 campaign that the Secretary of State was doing.

1 Q. You also mentioned workshops. Who were those
 2 workshops targeted at? Were they targeted at voters?
 3 A. They were targeted at voters, and the elderly,
 4 and the senior citizens, mostly, the senior citizen
 5 groups.

6 We talked to, like, Our Mother of Mercy
 7 senior citizen group. Something else senior citizen
 8 group. A couple churches. Rise, which is a disability
 9 group. We went out and talked to them about it.

10 I'm trying to think one of the other
 11 groups we went out and talked to. We provided
 12 information to the Deltas of Port Arthur. They came in
 13 and got information from us. The Deltas is -- out of
 14 Port Arthur group.

15 Q. So when you say workshop, is that something
 16 where you would go speak for 15 minutes at one of their
 17 meetings?

18 A. Right, right.

19 Q. And what would, generally, the content be for
 20 those workshops?

21 A. It would just be about the law has changed,
 22 and now we're -- now we must use a photo ID, and this is
 23 what we must do.

24 And one of the things that we also talked
 25 about is that a lot of our seniors may or may not have

1 ones that you did personally?

2 A. Yeah, the ones I did, I know who was there.
 3 But the ones like if Jamie spoke at it, I couldn't tell
 4 you what the numbers were, no. I'd have to ask him.

5 Q. So do you have any total workshops the office
 6 did at a whole?

7 A. That's what I'm saying, it wasn't no more than
 8 seven or eight as a whole.

9 Q. Okay. Have you done -- when were these
 10 workshops, were these before the November election, or
 11 before the March election?

12 A. They were before the March election.

13 Q. Okay. And you also mentioned talking to
 14 different community organizations, beyond the workshops.
 15 Did you also send out e-mails to community
 16 organizations, or letters?

17 A. No, not really.

18 Q. Okay.

19 A. I mean, we sent out a press release that went
 20 to the press that we have on file, you know, like for
 21 early voting.

22 We have a list of people that we send out
 23 daily totals to, like, newspapers and different
 24 organizations that want numbers. And if we have their
 25 e-mail address, we will just sent them out data and

1 photo ID. A lot of their driver's license have expired,
 2 and we wanted to make sure that they knew in lieu of
 3 photo ID, another way available made -- made available
 4 for our seniors was the mail ballots, and we also talked
 5 about mail ballots in lieu of photo ID.

6 Q. And about how many workshops do you think you
 7 had?

8 A. I don't know. Maybe about six or seven.

9 Q. Six or seven?

10 A. Uh-huh.

11 Q. And do you have any estimate of about how many
 12 people attended those?

13 A. Well, for the senior citizens, their group
 14 normally had about 60 to 70 people at the senior citizen
 15 groups, the groups that we talked to. For the Deltas,
 16 it probably was about 20 or 30.

17 And then Rise, they probably had about
 18 12 -- 12 or 13 members at the Rise group.

19 Q. And I think you mentioned churches. Were
 20 there any at churches?

21 A. Let's see. Jamie went to -- I'm not sure
 22 about how many was there, I would have to ask him,
 23 because he spoke at Antioch, and I'm not quite sure. I
 24 wasn't in attendance at that one.

25 Q. So these workshops that you just mentioned are

1 stuff.

2 So when we sent out the press release, it
 3 goes to those organizations, those people.

4 Q. And the tax inserts, so when were those sent
 5 out with the tax forms?

6 A. I think the tax statements went out in
 7 November.

8 Q. So that would have been before the November
 9 election?

10 A. It might have been around the same time. I'm
 11 not exactly sure when they went out.

12 Q. Okay. And did those -- you said those went
 13 out in English and Spanish?

14 A. Yes.

15 Q. Did any of the radio ads have a Spanish
 16 component, or were any of the radio ads done in Spanish?

17 A. No. I did advertise in one Spanish newspaper,
 18 which is El Perico.

19 Q. Okay. And you mentioned the tax inserts. Do
 20 you have an estimate of how much it cost, or do you know
 21 how much it cost the county?

22 A. I picked up -- I'd have to go back and get the
 23 costs on that, because I paid for the printing, and the
 24 tax assessor paid for the actual mail-out in the
 25 inserts.

<p>1 And I'm not quite sure what he paid for 2 that at that time. Shane Howard was here at that time. 3 And he paid for the actual inserts with that company. 4 Q. Did the tax assessor also help pay for any of 5 the radio ads, or was that entirely the county clerk's 6 office? 7 A. No, that was entirely out of my budget. 8 Q. Okay. Did you do any sort of database match 9 between the voter registration database and the 10 Department of Public Safety driver's license database to 11 figure out which voters may lack photo ID? 12 A. No, I don't deal with the databases on that. 13 Q. Okay. Were you ever told that you could 14 obtain a list of voters who may lack ID from the 15 Secretary of State's office? 16 A. No, I was not. 17 Q. Okay. So are you aware of any other counties 18 having done a database match where they looked at the 19 voter registration list against the driver's license 20 database to figure out if they lacked photo IDs? 21 A. No, I'm not aware of that. 22 Q. Okay. If you had been aware that such a list 23 had been available from the Secretary of State's office 24 to know which of your voters may lack ID, is that 25 something you would have been interested in obtaining?</p>	<p>30</p> <p>1 combination of both? 2 A. For voter education, I think it's probably a 3 combination. 4 Q. And did you feel that it was particularly 5 important to educate voters about the photo ID law with 6 radio ads, tax inserts, et cetera? 7 A. Oh, definitely. 8 Q. And why did you think that was important? 9 A. Well, I think it was a way to reach our local 10 voters. I think it was the best way for us to reach our 11 local voters anyway. 12 I know that the Secretary of State 13 invested money in advertisement, which personally I 14 think that money would have been better spent had they 15 given us some budget money to spend here at our local 16 levels, but we weren't afforded that money. It would 17 have been easier for the counties to be able to do that. 18 Q. Could you expand a little bit on what you 19 think -- why the money would have been better spent if 20 they had sent it to the counties to do the outreach 21 instead of the Secretary of State's office? 22 A. Well, I just think that we would have been 23 able to do better outreach locally, than just -- you 24 know, I know they did a lot of TV advertisement, but, 25 you know, a lot of people these days watch a lot of</p>
<p>1 MR. KEISTER: Object to form. 2 Q. (By Ms. Simson) You can go ahead and answer. 3 A. Well, even with that list, I don't know what I 4 could have done with the list because I don't handle the 5 registration part. 6 Q. So some counties, Dallas County, for instance, 7 used one of these types of lists of people who may lack 8 ID and sent out notices to those voters saying, "If you 9 need an ID, here is how to do it." 10 Is that something you think Jefferson 11 County would have been interested in doing if you had 12 that data available? 13 MR. KEISTER: Object to form. 14 Q. (By Ms. Simson) Go ahead. You can go ahead 15 and answer. Just so you know, he's going to be making 16 objections. He's free to do that, but you can go ahead 17 and answer. 18 A. Yes, I think that would have been a good 19 thing to do, absolutely. 20 Q. So there were no mailings that the county sent 21 out to voters that they thought may lack ID? 22 A. Not that I'm aware of. 23 Q. Okay. Who is generally responsible for voter 24 education activities in the state? Is it usually the 25 Secretary of State's office, the counties, or some</p>	<p>31</p> <p>33</p> <p>1 cable TV, or maybe they did not necessarily reach our 2 local stations. I'm not sure. 3 But I just think that if we would have 4 been able to do it locally, that maybe we could have 5 done something a little bit better here locally, had we 6 had the funds ourselves to spend. 7 I would have liked to have more than 8 \$10,000 to spend on radio, which is all we were afforded 9 to spend out of our budget. Because it was something 10 that we had not planned for in our budget when it came 11 about, you know. 12 Because by the time that they said we're 13 going to institute it, in June of 2013, in June of 2013, 14 of course, our budget at that time had already been set 15 for that year. Then we were able to allot some money 16 for the following year in October, so -- 17 Q. So all of the money that you did spend on 18 voter education and outreach, was all of that out of 19 your regular budget, or did you go to the Commissioners 20 Court and ask for additional funds? 21 A. I asked for additional funds for that 22 following budget year. 23 Q. So that would be for the fiscal year starting 24 when? 25 A. 2013-2014, October 1st.</p>

<p style="text-align: right;">34</p> <p>1 Q. October 1st of 2013?</p> <p>2 A. 2013, right.</p> <p>3 Q. So you did ask for additional funds for that?</p> <p>4 A. Right.</p> <p>5 Q. And did you get those funds?</p> <p>6 A. Yeah. They allotted me \$20,000.</p> <p>7 Q. And is that \$20,000 specifically for voter</p> <p>8 education and outreach?</p> <p>9 A. Yes.</p> <p>10 Q. Did you ever ask the Secretary of State's</p> <p>11 office for funds to do voter education and outreach?</p> <p>12 A. No.</p> <p>13 Q. Did the Secretary of State's office ever offer</p> <p>14 funds?</p> <p>15 A. No.</p> <p>16 Q. Are there any other costs, though? I think</p> <p>17 we've covered the forms, the radio ads, the tax inserts.</p> <p>18 Are there any other costs that were involved that your</p> <p>19 office had to pay for that you would not have had to pay</p> <p>20 for if S.B. 14 had not gone into effect?</p> <p>21 MR. KEISTER: Object to form.</p> <p>22 Q. (By Ms. Simson) Let me actually rephrase that</p> <p>23 question. Aside from the radio ads, the tax inserts,</p> <p>24 and changes to the forms, are there any other costs that</p> <p>25 your office had to pay for that you would not have had</p>	<p style="text-align: right;">36</p> <p>1 especially when you're talking about similar names and</p> <p>2 not similar names. And that was very hard for them to</p> <p>3 understand. We spent a lot of time going over for them</p> <p>4 to understand that.</p> <p>5 And, you know, even at that, you know,</p> <p>6 they kind of were very, very confused. We spent a lot</p> <p>7 of time even going to the polling locations during the</p> <p>8 election period to try to straighten it out once people</p> <p>9 got there when their identification saying, "No, see,</p> <p>10 this really is the same, and this is okay, and you can</p> <p>11 accept this or you can't accept that," you know.</p> <p>12 So, yes, we spent extra time just trying</p> <p>13 to help them understand. But you have to understand,</p> <p>14 the average age of our poll worker is 70 years old. So</p> <p>15 it's not as easy and cut and dry as just saying, you</p> <p>16 know, "You do it this way," you know, "This is the way</p> <p>17 it is."</p> <p>18 Q. And about how many poll workers do you have on</p> <p>19 election day?</p> <p>20 A. Well, for the March primary, we had like about</p> <p>21 410 probably, at least.</p> <p>22 Q. And I think before you said that in the past,</p> <p>23 if there's not a big change to the law, then you do not</p> <p>24 have to retrain some people?</p> <p>25 A. Right.</p>
<p style="text-align: right;">35</p> <p>1 to pay for, if not for S.B. 14?</p> <p>2 MR. KEISTER: Object to form.</p> <p>3 A. You say the change in the forms. No, I guess</p> <p>4 that was the cost was just changing the forms, the</p> <p>5 additional training. That probably was it.</p> <p>6 Q. (By Ms. Simson) So there were costs with</p> <p>7 additional training?</p> <p>8 A. Well, yeah, we had to have additional</p> <p>9 training.</p> <p>10 Q. And what additional training did you do that</p> <p>11 you would not have done?</p> <p>12 A. Well, I mean, just adding it to the Power</p> <p>13 Point, making sure that we got everybody retrained on</p> <p>14 it.</p> <p>15 Q. Did the election clerks or the poll workers</p> <p>16 have to go to any additional training in terms of time?</p> <p>17 Did they spend any more time in training than we would</p> <p>18 have otherwise spent?</p> <p>19 A. Yeah, because sometimes if we don't -- if</p> <p>20 we're not adding anything new, it's not necessary to</p> <p>21 bring them all back in. But as we add new things, then</p> <p>22 we need to cover new things with them to make sure they</p> <p>23 understand what the changes have been.</p> <p>24 So, you know, there was a lot of new</p> <p>25 changes when you start talking about photo ID, and</p>	<p style="text-align: right;">37</p> <p>1 Q. You can rely on their past training, and that</p> <p>2 you had to have a bunch -- every person come back in for</p> <p>3 training this year: is that correct?</p> <p>4 A. Right. We had changes. Make sure they know</p> <p>5 what's going on.</p> <p>6 Q. Okay. And on election day, how many people</p> <p>7 work at a polling place?</p> <p>8 A. Well, at the larger polling locations, like if</p> <p>9 you take some of my larger polling locations, I may have</p> <p>10 15, 16 people.</p> <p>11 Some of the smaller locations, probably</p> <p>12 the minimum amount I'm going to have is going to be six.</p> <p>13 Q. And is there someone who's supervising at each</p> <p>14 location? Is there one person who's given the title of</p> <p>15 judge?</p> <p>16 A. Well, during the primary elections, because we</p> <p>17 have joint primary elections, we have co-judges, so</p> <p>18 you're going to have a Democrat and a Republican</p> <p>19 co-judge.</p> <p>20 When it's a general election, it's not a</p> <p>21 co-judge. You have a judge and an alternate judge. And</p> <p>22 that's based on which party got the most votes in the</p> <p>23 gubernatorial race, that determines who is the judge and</p> <p>24 who is the alternate judge.</p> <p>25 Q. And so those are referred to as election</p>

<p>1 judges?</p> <p>2 A. Right.</p> <p>3 Q. And then who works below them, what would you</p> <p>4 call them?</p> <p>5 A. They're election clerks.</p> <p>6 Q. Election clerks. And do they all receive the</p> <p>7 same training, or do election judges receive extra</p> <p>8 training?</p> <p>9 A. No, they all pretty much receive the same</p> <p>10 training, but the election judges have different duties.</p> <p>11 They're delegated different duties to do.</p> <p>12 Q. And what are their duties?</p> <p>13 A. Well, they kind of, like, oversee -- they're</p> <p>14 like the liaisons of everything that's going on. They</p> <p>15 have the ultimate responsibility to make sure that</p> <p>16 everything is run smooth. Whereas, they are not allowed</p> <p>17 to come and go, like the clerks may be able to come and</p> <p>18 go.</p> <p>19 They have the ultimate responsibility to</p> <p>20 make sure that everything runs right at their polling</p> <p>21 location. And at the end of the day it's their</p> <p>22 responsibility to make sure that everything closes down</p> <p>23 correctly, and that all the medium that's used to</p> <p>24 tabulate at the end of the night is brought to the</p> <p>25 accounting station.</p>	<p>38</p> <p>1 really didn't understand.</p> <p>2 We take our training serious, because</p> <p>3 when we train, we pay for training. The Secretary of</p> <p>4 State, like, during the primary election, because those</p> <p>5 are actually the elections of the party, they do not pay</p> <p>6 for training.</p> <p>7 But any time we bring the people in for</p> <p>8 training, the county -- whether it's the primary or not,</p> <p>9 I'm paying them to come in. Because that's their time,</p> <p>10 and I want them to take it serious, and I want them to</p> <p>11 learn.</p> <p>12 Q. So because you had to have every person come</p> <p>13 back for training this year because of the photo ID law,</p> <p>14 you had to also pay for additional training?</p> <p>15 A. That's right.</p> <p>16 Q. And so you don't do -- when you said before</p> <p>17 there's -- they can come up for questions at the end,</p> <p>18 but there is no kind of quiz at the end to see if they</p> <p>19 understood the information?</p> <p>20 A. No.</p> <p>21 Q. Okay. Do you think that you were successful</p> <p>22 in training the election workers to prepare for the</p> <p>23 photo ID law?</p> <p>24 A. Pretty much. I only had one complaint, and</p> <p>25 that's in here also. One of the newer election judges</p>
<p>39</p> <p>1 Q. But in terms of training, they receive the</p> <p>2 same types of training that the election workers</p> <p>3 receive?</p> <p>4 A. Right.</p> <p>5 Q. Or the election clerks?</p> <p>6 A. Yes.</p> <p>7 Q. Okay. And when people complete training, do</p> <p>8 they have to certify completion of that training?</p> <p>9 A. They get -- yeah, they get a certificate at</p> <p>10 the end of their training, if they are on-line and</p> <p>11 stuff.</p> <p>12 Q. Okay.</p> <p>13 A. Of course, it's training that we give, they</p> <p>14 just get a little "attaboy," and "thank you for coming."</p> <p>15 Q. Right. And you mentioned that during the</p> <p>16 training, they were a little bit longer because there</p> <p>17 was a lot of confusion around the -- for example, the</p> <p>18 substantially-similar name issue.</p> <p>19 A. Right.</p> <p>20 Q. Do you do anything at the end of the training</p> <p>21 to see if people understood the training?</p> <p>22 A. No. Well, what we will do normally, we stay,</p> <p>23 if they have any questions, they will come and ask us.</p> <p>24 A lot of times they wouldn't ask us, they will wait</p> <p>25 until they run into the situation, and we find out they</p>	<p>41</p> <p>1 observed a behavior that she thought -- that she thought</p> <p>2 was not conducive to the training.</p> <p>3 And like I said, a lot of times people --</p> <p>4 I mean, you would be surprised. We train, we train, we</p> <p>5 train. And on election day, it's like people just go</p> <p>6 blank. They act like they have never been trained. But</p> <p>7 like I said, the average age is 70 years old. So it</p> <p>8 happens.</p> <p>9 Q. And did your office do anything to analyze the</p> <p>10 impact of S.B. 14 on voters?</p> <p>11 MR. KEISTER: Object to form.</p> <p>12 A. Not other than we looked at the number of --</p> <p>13 we had -- we didn't have a horrific amount of</p> <p>14 provisional ballots when we looked at it. I think we</p> <p>15 had a total of seven over the March primary and runoff</p> <p>16 election, which I guess isn't an enormous amount.</p> <p>17 But I don't think that we've had a great</p> <p>18 amount of people not having ID in the past. But, of</p> <p>19 course, most people come just with their voter</p> <p>20 registration cards in the past. So I don't know.</p> <p>21 Q. (By Ms. Simson) Do you think it's possible</p> <p>22 that some voters would not show up to the polls because</p> <p>23 they now have to have a photo ID and they don't have</p> <p>24 one?</p> <p>25 MR. KEISTER: Objection; form. Calls for</p>

<p style="text-align: right;">42</p> <p>1 speculation.</p> <p>2 A. I think that's possible. And I think that</p> <p>3 what it may do is just encourage a whole lot of other</p> <p>4 people just to vote by mail.</p> <p>5 I know that a lot of the seniors are</p> <p>6 doing that now because their driver's license have</p> <p>7 expired, and they have no reason to get a driver's</p> <p>8 license because, frankly, some of them don't need to be</p> <p>9 driving. But, yeah, that's a possibility. I don't</p> <p>10 know.</p> <p>11 Q. (By Ms. Simson) Did you look at any numbers,</p> <p>12 like voter turnout, before the photo ID law, after the</p> <p>13 photo ID law, to see if there was any effect?</p> <p>14 A. No, I did not.</p> <p>15 Q. And before you mentioned that you found that</p> <p>16 there was a relatively small number of provisional</p> <p>17 ballots, were there any in the November election?</p> <p>18 A. No, there were not. But normally, for the</p> <p>19 constitutional amendment election, it's such a low</p> <p>20 turnout, that you would not see anything significantly</p> <p>21 happening anyway.</p> <p>22 Q. And are the March primary and May runoff</p> <p>23 elections -- would you consider those to be typically</p> <p>24 low turnout elections as well?</p> <p>25 A. No, those would normally be good turnouts.</p>	<p style="text-align: right;">44</p> <p>1 because she was in the midst of running back and forth</p> <p>2 with her mother, who was a patient at TIRR in Houston.</p> <p>3 And when she came in, that's when she</p> <p>4 realized she did not have her ID with her. Addie was</p> <p>5 actually a candidate for a state rep office at one time,</p> <p>6 and I know she votes constantly.</p> <p>7 And it was totally an oversight on her</p> <p>8 part. And I know she really felt bad about it. I</p> <p>9 really felt bad for her, but there was nothing I could</p> <p>10 do about that.</p> <p>11 And then when she realized that she was a</p> <p>12 day late to cure her ballot, I mean, there's nothing I</p> <p>13 can do about it. But, I mean, things happen.</p> <p>14 Q. Right. What about the other six, do you have</p> <p>15 any idea whether they have ID and just forgot it, or</p> <p>16 whether they don't have the IDs?</p> <p>17 A. I have no clue about the other six. I really</p> <p>18 don't know them. And I really can't tell from the</p> <p>19 information on there, on the envelope what the issue</p> <p>20 would have been. It just says no ballot. One of them,</p> <p>21 I think, was not even a registered voter.</p> <p>22 Q. Okay.</p> <p>23 A. According to this, was not even in the</p> <p>24 database.</p> <p>25 Q. Did the Secretary of State's office request</p>
<p style="text-align: right;">43</p> <p>1 Even though it's a governor race, it still was a much</p> <p>2 better turnout normally for a governor's race, it was a</p> <p>3 good turnout for this election.</p> <p>4 Q. Would you expect the turnout in November to be</p> <p>5 significantly higher than the primary elections?</p> <p>6 A. I would.</p> <p>7 Q. And were there any provisional ballots in the</p> <p>8 May special election?</p> <p>9 A. None to do with photo ID.</p> <p>10 Q. Okay. And of the seven provisional ballots</p> <p>11 that were cast because of an ID problem, how many of</p> <p>12 those voters came back and cured their ballots?</p> <p>13 A. None, that I'm aware of.</p> <p>14 Q. Did you follow up with any of those who did</p> <p>15 not cure? So any of those seven voters, did you follow</p> <p>16 up to find out if they had ID and just forgot it, or did</p> <p>17 you follow up to find out if they just lacked ID?</p> <p>18 A. I did not follow up, but I know one</p> <p>19 personally, and I know that she has ID. And I think</p> <p>20 that on Addie's part -- Addie Allen, I know her</p> <p>21 personally.</p> <p>22 I think on her part, that she just had a</p> <p>23 misunderstanding of what day that she was actually due</p> <p>24 back to cure her ballot.</p> <p>25 And she had originally forgotten her ID</p>	<p style="text-align: right;">45</p> <p>1 any information about how many provisional ballots had</p> <p>2 been cast in the elections because of an ID problem?</p> <p>3 A. The Secretary of State's office did not.</p> <p>4 Q. Did you share these numbers with anyone else</p> <p>5 for feedback about how the photo ID law was going?</p> <p>6 A. I did get a request from an attorney from the</p> <p>7 Department of Justice.</p> <p>8 Q. Okay. Now, if I say EIC, I'm referring to the</p> <p>9 election identification certificate. Do you understand</p> <p>10 what the EIC is?</p> <p>11 A. Yes, I do.</p> <p>12 Q. Okay. Does Jefferson County have the</p> <p>13 authority to issue EICs?</p> <p>14 A. Not Jefferson County, Jefferson County DPS</p> <p>15 office.</p> <p>16 Q. But the county clerk's office does not have</p> <p>17 the authority to do that?</p> <p>18 A. Does not.</p> <p>19 Q. Are you aware that other counties have</p> <p>20 received authorization to issue EICs through their</p> <p>21 county clerk's office?</p> <p>22 A. No, I'm not.</p> <p>23 Q. Is that something that you would think the</p> <p>24 county would be interested in doing if it were possible</p> <p>25 for the county clerk's office to get authorization to</p>

<p style="text-align: right;">46</p> <p>1 issue EICs?</p> <p>2 A. Yes.</p> <p>3 Q. DPS, you mentioned, is the authority within</p> <p>4 Jefferson County that can issue EICs. Do you know</p> <p>5 approximately how many locations DPS has within</p> <p>6 Jefferson County?</p> <p>7 A. I believe two. One in Beaumont, and one in</p> <p>8 Port Arthur. Is the only two I'm aware of.</p> <p>9 Q. But you're not aware of any others?</p> <p>10 A. No.</p> <p>11 Q. And are you aware whether DPS offered Saturday</p> <p>12 hours for issuing EICs within Jefferson County?</p> <p>13 A. No, I'm not aware of that.</p> <p>14 Q. So no one from the Secretary of State's office</p> <p>15 contacted you and said DPS is going to have Saturday</p> <p>16 hours to issue EICs?</p> <p>17 A. No, I'm not.</p> <p>18 Q. And you mentioned two mobile units on two</p> <p>19 different days, so I took that to mean there was one</p> <p>20 mobile unit on each day; is that correct?</p> <p>21 A. That's correct.</p> <p>22 Q. And were those two days before the November</p> <p>23 election? When were those --</p> <p>24 A. They were before the March primary.</p> <p>25 Q. So there were no mobile EIC units before the</p>	<p style="text-align: right;">48</p> <p>1 Q. So for the March election, you said you had</p> <p>2 two mobile units before those. And how far in advance</p> <p>3 was that arranged? Can you recall, was it a few days or</p> <p>4 a few weeks before the election that you had those</p> <p>5 units?</p> <p>6 A. Well, I think they actually came in February.</p> <p>7 They actually came in February, because what they had</p> <p>8 told me in November when I declined, they said, "Well,</p> <p>9 if you don't want us to come now, when do you want us to</p> <p>10 come?" I said, "Maybe in January some time."</p> <p>11 They said, "Okay. Contact us in</p> <p>12 January." So I started contacting them in January. So</p> <p>13 then when I tried to set them up in January -- and I had</p> <p>14 set up some dates.</p> <p>15 And then when I contacted them they said,</p> <p>16 "No, we can't do it then," after I had set everything</p> <p>17 up. And then they turned around and gave me some more</p> <p>18 dates. And then we set up on those dates, which ended</p> <p>19 up being in February.</p> <p>20 Q. And did they say why they couldn't do the</p> <p>21 dates in January?</p> <p>22 A. Well, they said that I did not give them</p> <p>23 enough time. So we went -- just went back and forth for</p> <p>24 a while. So they ended up coming before the early</p> <p>25 voting period started in February.</p>
<p style="text-align: right;">47</p> <p>1 November election?</p> <p>2 A. There were not. They did contact me prior to</p> <p>3 the November election, but they contacted me like days</p> <p>4 before they wanted to bring the unit, and I didn't think</p> <p>5 that was very beneficial because it did give us adequate</p> <p>6 time to notify the people in order to give them adequate</p> <p>7 time to be anywhere.</p> <p>8 You know, if it's going to be a benefit,</p> <p>9 I think you need to have time to at least to be able to</p> <p>10 circulate maybe to the church or to the organizations,</p> <p>11 "Hey, they are going to be here," so you would have a</p> <p>12 good attendance.</p> <p>13 Q. Who contacted you before the November election</p> <p>14 before having mobile EIC units in Jefferson County?</p> <p>15 A. The Secretary of State's office.</p> <p>16 Q. Do you know who at the Secretary of State's</p> <p>17 office?</p> <p>18 A. I can look at my e-mails.</p> <p>19 Q. It's okay.</p> <p>20 A. Okay.</p> <p>21 Q. So the Secretary of State's office contacted</p> <p>22 you about having a mobile EIC unit for the November</p> <p>23 election, but you declined because you didn't feel you</p> <p>24 had enough time to organize it?</p> <p>25 A. That's correct.</p>	<p style="text-align: right;">49</p> <p>1 Q. And how much time, approximately, did you have</p> <p>2 to advertise that those units were going to be here?</p> <p>3 A. I have to look at these dates. I think about</p> <p>4 a week maybe.</p> <p>5 Q. So only about a week?</p> <p>6 A. Yeah, I think so. I think about a week,</p> <p>7 because I remember we did fliers at the church, at</p> <p>8 different churches and stuff. We had fliers as soon as</p> <p>9 we could. And I sent it to the radio stations.</p> <p>10 Q. And this is when you said, I believe, from</p> <p>11 before, you said this is when you did the election</p> <p>12 identification campaign, the EIC campaign.</p> <p>13 A. Right.</p> <p>14 Q. And so you mentioned fliers, you contacted the</p> <p>15 radio stations, or did you again pay for radio</p> <p>16 advertisements?</p> <p>17 A. No, we just e-mailed -- well, it's like a</p> <p>18 public service, so I didn't have to pay for that.</p> <p>19 Q. Do you know if they ended up airing those</p> <p>20 advertisements?</p> <p>21 A. They did. They would announce it.</p> <p>22 Q. And do you have any sense for how many times</p> <p>23 they aired that announcement?</p> <p>24 A. No, I don't.</p> <p>25 Q. Do you know if those announcements were both</p>

<p>50</p> <p>1 in English and in Spanish?</p> <p>2 A. That, I don't know either.</p> <p>3 Q. Okay. So when you did this campaign in</p> <p>4 February to advertise the mobile EIC units, you think</p> <p>5 you had about a week, did you feel that that was enough</p> <p>6 time to advertise the mobile units?</p> <p>7 A. Well, it was better than a couple days. It</p> <p>8 was better than a couple of days.</p> <p>9 Q. Did the county provide any staff for those</p> <p>10 mobile units?</p> <p>11 A. No, it was their staff, DPS staff.</p> <p>12 Q. DPS staff. And did any -- did the county</p> <p>13 actually provide any resources?</p> <p>14 A. No. The only thing we did, my elections</p> <p>15 manager went out there to meet them to make sure that</p> <p>16 they had what they needed, make sure that the building</p> <p>17 was opened, and they had whatever electrical outlets and</p> <p>18 stuff that they needed. That's all that we did.</p> <p>19 Q. And you mentioned two locations were used.</p> <p>20 What were those two locations?</p> <p>21 A. One location was the Alice Keith Community</p> <p>22 Center on Highland. That's here in Beaumont. And the</p> <p>23 other one was the Port Arthur Public Library. Of</p> <p>24 course, that's in Port Arthur. And the dates were</p> <p>25 February 26th and February 27th.</p>	<p>52</p> <p>1 would think that most people in the west end of Beaumont</p> <p>2 would not need photo ID. So why would you want to put</p> <p>3 it out in the west end? That would be a waste.</p> <p>4 So that's some of the things we took into</p> <p>5 consideration, where we wanted to put it.</p> <p>6 Q. So I don't know Beaumont very well.</p> <p>7 A. Okay.</p> <p>8 Q. So what is the west end?</p> <p>9 A. It's like a ritzy part of Beaumont.</p> <p>10 Q. So a wealthier area?</p> <p>11 A. Wealthier area, yeah.</p> <p>12 Q. So the areas that you chose, one of the</p> <p>13 considerations was the income of the area?</p> <p>14 A. Right.</p> <p>15 Q. Did you also look at all at the racial</p> <p>16 characteristics of the area?</p> <p>17 A. Absolutely.</p> <p>18 Q. And why was that?</p> <p>19 A. Well, because -- because you want to look at</p> <p>20 what would the need be.</p> <p>21 Q. And so you had a sense that there might be a</p> <p>22 greater need for ID among low income?</p> <p>23 A. Right, among minorities.</p> <p>24 Q. And minorities groups?</p> <p>25 A. Right.</p>
<p>51</p> <p>1 Q. And you're looking at an e-mail exchange?</p> <p>2 A. I'm looking at the two sites here, yeah, that</p> <p>3 we had.</p> <p>4 Q. How were these two locations chosen? Did the</p> <p>5 Secretary of State's office choose them, did the DPS</p> <p>6 chose them, or did the county choose them?</p> <p>7 A. No, the county chose them, we chose them. We</p> <p>8 talked to the commissioners, what was neutral to the</p> <p>9 communities, what would be a good site, what was</p> <p>10 available, what was public buildings, and where would we</p> <p>11 get the most people in the community to go. And that's</p> <p>12 what we decided to do.</p> <p>13 Q. So it sounds like two of the factors were</p> <p>14 where places that a lot of people in the community would</p> <p>15 go?</p> <p>16 A. Right.</p> <p>17 Q. What was a neutral territory?</p> <p>18 A. Yeah.</p> <p>19 Q. Were there any other considerations?</p> <p>20 A. There were a couple other considerations, but</p> <p>21 we looked at the areas and, you know, the buildings, the</p> <p>22 parking, the community, where was it needed most. I</p> <p>23 mean, when you talk about needing photo ID, what</p> <p>24 community really needs photo ID.</p> <p>25 I mean, if you look at the area, you</p>	<p>53</p> <p>1 Q. So it sounds like you looked at the racial</p> <p>2 characteristics of the areas, the income characteristics</p> <p>3 of the areas, where there was space, where was a neutral</p> <p>4 area, where the public goes. Were there any other</p> <p>5 considerations that were important?</p> <p>6 A. That covered it. What was available, of</p> <p>7 course.</p> <p>8 Q. And you said the Commissioners Court was</p> <p>9 involved in making some of those decisions.</p> <p>10 A. Well, I talked to the commissioners,</p> <p>11 individually, you know, because I can't gather more than</p> <p>12 three. Then you have a quorum, so --</p> <p>13 Q. So were the mobile units ever sent to special</p> <p>14 events, like fairs?</p> <p>15 A. No. That was the only time that they were</p> <p>16 down here.</p> <p>17 Q. Was there ever any discussion about sending</p> <p>18 mobile units to senior citizen centers?</p> <p>19 A. No. This was the only time that they were</p> <p>20 going to come down here. This is the only time offered</p> <p>21 to us, period.</p> <p>22 Q. Did you ever request to have more units sent</p> <p>23 down here?</p> <p>24 A. No. Like independent, this is the only two</p> <p>25 days they were willing to give us, so we took what they</p>

<p style="text-align: right;">54</p> <p>1 were willing to give us.</p> <p>2 Q. And did they say, "We can't do more than two"?</p> <p>3 A. Well, this is what they offered, and this is</p> <p>4 what we took, so --</p> <p>5 Q. Okay. So you didn't have to pay any money for</p> <p>6 the mobile EIC units?</p> <p>7 A. No.</p> <p>8 Q. Do you have any -- do you know how many IDs</p> <p>9 were issued at the mobile EIC units?</p> <p>10 A. No, I don't.</p> <p>11 Q. Do you know if any were issued?</p> <p>12 A. No, I don't.</p> <p>13 Q. You don't know?</p> <p>14 A. They didn't give me a report.</p> <p>15 Q. Do you know if there have been any EICs issued</p> <p>16 by DPS within Jefferson County?</p> <p>17 A. No, I don't.</p> <p>18 Q. And is that because you were not given a</p> <p>19 report about that?</p> <p>20 A. Yeah, I don't have any contact with DPS.</p> <p>21 Q. And no one from DPS or the Secretary of</p> <p>22 State's office has ever contacted you about how many</p> <p>23 EICs have been issued?</p> <p>24 A. No.</p> <p>25 Q. Now, you also mentioned the county has a</p>	<p style="text-align: right;">56</p> <p>1 district attorney's office?</p> <p>2 A. Yes, just this one.</p> <p>3 Q. And what were the circumstances of that one?</p> <p>4 A. It was a mail ballot, a request for a mail</p> <p>5 ballot that we received. And then we got a -- we got a</p> <p>6 report from the voter registrar saying this person was</p> <p>7 deceased, so I sent that up.</p> <p>8 Q. So you mentioned that you've been county clerk</p> <p>9 since October of 2004. Are there any other instances of</p> <p>10 alleged voter fraud that you can recall from your time</p> <p>11 as county clerk?</p> <p>12 A. No, I can't.</p> <p>13 Q. So the only instance of voter fraud that you</p> <p>14 can recall is this one potential fraud related to a</p> <p>15 request for a mail ballot?</p> <p>16 A. Right.</p> <p>17 Q. And have you referred this case to the</p> <p>18 district attorney's office?</p> <p>19 A. I have.</p> <p>20 Q. Have they -- do you know whether there's been</p> <p>21 any prosecution for that?</p> <p>22 A. Not at this time. I think it's still in</p> <p>23 review at this time.</p> <p>24 Q. So are you aware of any instances in Jefferson</p> <p>25 County that S.B. 14 could have prevented -- let me</p>
<p style="text-align: right;">55</p> <p>1 Web site. Did information about the EIC units go up on</p> <p>2 the Web site?</p> <p>3 A. Yes, it did.</p> <p>4 Q. And that would be about a week in advance?</p> <p>5 A. Right. It was posted -- as soon as we</p> <p>6 confirmed the dates with them, it was posted on the Web</p> <p>7 site.</p> <p>8 Q. Were there any locations that you wanted to</p> <p>9 send EIC units that the Secretary of State's office, or</p> <p>10 the Department of Public Safety said they could not use?</p> <p>11 A. No.</p> <p>12 Q. So they left it up to you pretty much to</p> <p>13 choose?</p> <p>14 A. Right.</p> <p>15 Q. Okay. Now, you mentioned -- so you brought up</p> <p>16 before that there may be one allegation of voter fraud.</p> <p>17 Is there -- if you think that there's voter fraud going</p> <p>18 on in the county, what happens? Do you refer that to</p> <p>19 someone?</p> <p>20 A. Yes, I refer it to the district attorney's</p> <p>21 office.</p> <p>22 Q. Anyone else?</p> <p>23 A. No, I leave it up to them where it goes from</p> <p>24 there.</p> <p>25 Q. Okay. And have you referred any cases to the</p>	<p style="text-align: right;">57</p> <p>1 rephrase that, sorry.</p> <p>2 Are you aware of any instances of voter</p> <p>3 fraud in Jefferson County that S.B. 14 could have</p> <p>4 prevented?</p> <p>5 MR. KEISTER: Object to form. Calls for</p> <p>6 speculation.</p> <p>7 A. No.</p> <p>8 Q. (By Ms. Simson) So the only instance of voter</p> <p>9 fraud that you're aware of is a mail-in ballot?</p> <p>10 A. That's correct.</p> <p>11 Q. Okay. Now, to turn to the</p> <p>12 substantially-similar names provision that we've talked</p> <p>13 about, who makes the decision -- when a voter walks in,</p> <p>14 who do they hand their ID to?</p> <p>15 A. The clerk at the desk, whoever is processing</p> <p>16 the voter at that time.</p> <p>17 Q. And so the election clerk processes the voter.</p> <p>18 And what happens, the voter hands their ID over?</p> <p>19 A. Right.</p> <p>20 Q. And then the election clerk, what does the</p> <p>21 election clerk do with the ID?</p> <p>22 A. We have voter administration tablets and we</p> <p>23 have all the voters listed. So their names should match</p> <p>24 what their voter registration says.</p> <p>25 And in the voter registration database,</p>

<p style="text-align: right;">58</p> <p>1 they also have their former names as well. For 2 instance, for a female, you may have a former name, 3 which will help with your identification.</p> <p>4 Q. So the election clerk takes the ID, looks it 5 up in this tablet. Do they swipe the ID in a machine?</p> <p>6 A. No.</p> <p>7 Q. Okay. So they just type in the last name or 8 the first name?</p> <p>9 A. Right.</p> <p>10 Q. And look the person up?</p> <p>11 A. Uh-huh.</p> <p>12 Q. And so the election clerk has the ID. Are 13 they the ones who decide whether the ID is substantially 14 similar to the voter list?</p> <p>15 A. Right.</p> <p>16 Q. And did the county give any guidance beyond 17 what the Secretary of State's office gave out about what 18 substantially similar means?</p> <p>19 A. Yeah, that's part of our training.</p> <p>20 Q. And what kind of additional guidance did you 21 give?</p> <p>22 A. Well, it was part of the training that came 23 from the Secretary of State's office about similar 24 names. And it's part of the training that we have, you 25 know.</p>	<p style="text-align: right;">60</p> <p>1 Q. And is this the training that the Secretary of 2 State's office gave --</p> <p>3 A. Right.</p> <p>4 Q. -- or is this stuff that the county developed?</p> <p>5 A. The training the Secretary of State gave that 6 we implemented.</p> <p>7 Q. Okay. So did you use the same examples from 8 the Secretary of State's office?</p> <p>9 A. Right.</p> <p>10 Q. And did you provide any additional examples 11 that the county developed?</p> <p>12 A. I did, which is kind of funny. I provided, 13 like even -- what I provided also was on there, like 14 when you're talking about transposing numbers, like for 15 their birth date, sometimes, you know, even on their 16 driver's license, they will transpose numbers. They 17 need to get it corrected.</p> <p>18 Look at birth dates, like, it may be 19 1-27-52, they may have 1-17-52. Or they may misspell 20 the name and stuff.</p> <p>21 Even looking at a picture, sometimes on 22 their driver's license it may not look exactly like 23 them. They may have changed their hairstyle, something, 24 but you've got to really look and use some common sense 25 sometimes, is that really that person.</p>
<p style="text-align: right;">59</p> <p>1 Just basically, you have to -- you have 2 to look at the names, and some things are just kind of 3 like common sense stuff.</p> <p>4 Q. We went over this a little bit before, but you 5 did not do any sort of pre-match before the election 6 where you said, "Here's what this person's name is on 7 the voter list, here is a person in the driver's license 8 database, so we think their ID is a match"? You didn't 9 give any guidance in advance to the clerks about the 10 voter ID?</p> <p>11 MR. KEISTER: Object to form.</p> <p>12 A. No, they wouldn't know until they get there.</p> <p>13 Q. (By Ms. Simson) So there was no information 14 in advance to tell the election clerk to tell this 15 person might be a match or not a match?</p> <p>16 MR. KEISTER: Object to form.</p> <p>17 A. No, we have some samples here. When we talk 18 about slightly different, customary variations, and 19 different fields.</p> <p>20 So we talk about that, like spelling, 21 could be slightly -- could be different. Some people 22 might spell Doris D-O-R-R-I-S, versus D-O-R-I-S.</p> <p>23 Q. (By Ms. Simson) And what document are you 24 looking at right now?</p> <p>25 A. I'm looking at part of our training.</p>	<p style="text-align: right;">61</p> <p>1 And that's what I expect them to do. And 2 then when all else fails, I tell them that's why they 3 have the judges and their alternate judges there to help 4 them to make those decisions.</p> <p>5 And if all else fails, before you turn 6 down a voter, that's what we're here for. Many days I 7 jump in a car, drive to a polling location to make a 8 decision.</p> <p>9 Q. So did that happen at all in any of the 10 elections where you got a call and they said, "We have 11 an issue," and you had to go to a polling place?</p> <p>12 A. Not for similar names. I've not had to do 13 that, you know.</p> <p>14 Q. Okay. And so if the election clerk thinks 15 that someone's name is substantially similar, but not an 16 exact match, what happens?</p> <p>17 A. If they think it's substantially similar?</p> <p>18 Q. Uh-huh.</p> <p>19 A. And not a match? Then they should let them 20 vote.</p> <p>21 Q. And does the voter have to do anything in 22 order to vote?</p> <p>23 A. They need to fill out a form.</p> <p>24 Q. Okay. And what form is that?</p> <p>25 A. It's just a form saying, "Yes, that's me."</p>

<p style="text-align: right;">62</p> <p>1 And we have forms for that, and it's in their kit, and 2 they fill it out.</p> <p>3 Q. And is that a little box on the poll book, or</p> <p>4 do they have to fill out a longer form?</p> <p>5 A. No, it's an actual form.</p> <p>6 Q. And so if a person is found to have a</p> <p>7 substantially-similar name but not an exact match, they</p> <p>8 have to fill out a form?</p> <p>9 A. It's just an affidavit saying, you know, this 10 is -- "this is me, this is my name."</p> <p>11 Q. And does the voter fill that out?</p> <p>12 A. Right. It's something that the voter fills 13 out, because it's like an affidavit.</p> <p>14 Q. And is that included in the documents you have</p> <p>15 today?</p> <p>16 A. I don't have a sample of that form in the 17 documents today, but it is in their -- it is in their 18 training material, in their kit.</p> <p>19 Q. Are all of the training materials included in</p> <p>20 the documents you've brought with you today?</p> <p>21 A. No, not all of it. Well, the training 22 material -- but the training material does not include 23 everything that's in their binders that go to the 24 polling location.</p> <p>25 Because there are forms that they have to</p>	<p style="text-align: right;">64</p> <p>1 verify that that person is not eligible to cast a</p> <p>2 regular ballot?</p> <p>3 A. Yeah, the election judge should sign on the 4 provisional ballot.</p> <p>5 Q. So the election judge has to sign on all the</p> <p>6 provisional ballots?</p> <p>7 A. Right, absolutely.</p> <p>8 Q. Okay. Did you give any guidance, perhaps, on</p> <p>9 nicknames? Like did you give a list of nicknames that</p> <p>10 people go by for various names?</p> <p>11 A. Yeah. I think in here they even have samples 12 of stuff like that.</p> <p>13 Q. When you say "they have examples," is that the</p> <p>14 Secretary of State's training?</p> <p>15 A. Well, the Secretary of State's training.</p> <p>16 Q. But did the county produce a list of</p> <p>17 nicknames, for instance, for Spanish names?</p> <p>18 A. No, not necessarily.</p> <p>19 Q. For common Hispanic names?</p> <p>20 A. Because in here, they talk about like instead 21 of William B. Clements, it may be Bill Clements, you 22 know. Bill instead of William, and that's okay.</p> <p>23 Because we know, you know, basically you would know that</p> <p>24 that's the same person.</p> <p>25 Q. But aside from the examples of nicknames that</p>
<p style="text-align: right;">63</p> <p>1 fill out. And I say that, I probably need to go through 2 the whole kit. I can look through here and see. There 3 may be a form in here. I can look.</p> <p>4 Q. Are these documents, if we followed up with</p> <p>5 your attorney, that we could get copies of?</p> <p>6 A. Oh, yeah, absolutely.</p> <p>7 Q. Excellent. So a person comes in, they have</p> <p>8 got a substantially-similar name, but not an exact</p> <p>9 match, they fill out a form.</p> <p>10 If a person comes in and the election</p> <p>11 clerk says, "You know what, this doesn't look</p> <p>12 substantially similar," what happens?</p> <p>13 A. Then they are allowed to vote a provisional 14 ballot.</p> <p>15 Q. And does that get checked by anyone? Does the</p> <p>16 election judge -- before somebody votes a provisional</p> <p>17 ballot because of a substantially-similar name issue,</p> <p>18 does the election judge check that work?</p> <p>19 A. The election judge?</p> <p>20 Q. In other words, if an election clerk looks at</p> <p>21 someone's ID and says, "I don't think this is</p> <p>22 substantially similar" --</p> <p>23 A. Right.</p> <p>24 Q. -- before they tell the voter that they have</p> <p>25 to vote a provisional ballot, would the election judge</p>	<p style="text-align: right;">65</p> <p>1 the Secretary of State's office included in their 2 training, the county didn't provide any additional lists 3 of nicknames that people may go by for Hispanic names, 4 for instance?</p> <p>5 A. No.</p> <p>6 Q. Okay. Do you know if any other counties</p> <p>7 provided lists of nicknames to their election workers to</p> <p>8 help with their substantially-similar name analysis?</p> <p>9 A. No, I'm not aware of it.</p> <p>10 Q. Okay. If we can go ahead and mark this as</p> <p>11 Exhibit 1. This is going to be marked as Exhibit 1.</p> <p>12 It's a substantially-similar name analysis.</p> <p>13 (Guidry Deposition Exhibit No. 1 was</p> <p>14 marked and is made a part of this deposition.)</p> <p>15 Q. (By Ms. Simson) So if you look at Example 1</p> <p>16 on the first page, you'll see that there's a place where</p> <p>17 it includes information from the poll book, and then</p> <p>18 some information from the driver's license.</p> <p>19 And in Example 1, there's a slightly</p> <p>20 different -- or there's a different first name, a</p> <p>21 different last name, same date of birth, and different</p> <p>22 addresses.</p> <p>23 So if you were looking at a voter who</p> <p>24 appeared with this driver's license, would you consider</p> <p>25 this to be substantially similar or not?</p>

<p style="text-align: center;">70</p> <p>1 he was born in 1911 but he appears with his driver's 2 license saying he was born in 1994, and he looks about 3 30.</p> <p>4 Is that something that you could -- could 5 you let him vote a regular ballot?</p> <p>6 MR. KEISTER: Objection; form. Calls for 7 speculation.</p> <p>8 A. I would probably let him vote a provisional 9 ballot. That's confusing there.</p> <p>10 Q. (By Ms. Simson) That's because there's a 11 significant age difference?</p> <p>12 A. Significant.</p> <p>13 Q. All right. So we can put those to the side, I 14 think we can go through the rest of this pretty quick.</p> <p>15 So you mentioned that there was a 16 complaint about photo ID. What was that complaint 17 about?</p> <p>18 A. Okay. That was on the election workers, just 19 made an observation.</p> <p>20 Q. Who made the observation?</p> <p>21 A. One of my election judges, she was a new 22 judge. She made an observation. Let me give it to you.</p> <p>23 MR. KEISTER: Let the record reflect that 24 the witness is looking at her personal computer. If you 25 just let us know if you actually have a document that</p>	<p style="text-align: center;">72</p> <p>1 just brought it to her attention because he knew she was 2 a judge.</p> <p>3 Q. Okay.</p> <p>4 A. And so she reported it to us, which was the 5 proper thing for her to do.</p> <p>6 Q. So the complaint was that one of the election 7 workers was not implementing the law as it was intended?</p> <p>8 A. Right.</p> <p>9 Q. Were there any other complaints from voters in 10 Jefferson County about the photo ID law?</p> <p>11 A. None other than the one that I got from her. 12 And she had another one on there as well. Basically the 13 same thing.</p> <p>14 Q. That somebody was not asking for ID when they 15 should have been?</p> <p>16 A. Right, right, right.</p> <p>17 Q. Do you know whether the election worker didn't 18 ask for an ID because they knew the person who was 19 voting, or was it that they just didn't ask for an ID 20 from some random person that they didn't know?</p> <p>21 A. I don't know which it was, but all we did was 22 we covered with the people at that polling location that 23 you are required to ask for a voter ID from everyone.</p> <p>24 Q. Regardless of whether you know the person?</p> <p>25 A. Regardless.</p>
<p style="text-align: center;">71</p> <p>1 matches the computer, that's what I'm concerned about.</p> <p>2 THE WITNESS: Oh, I do.</p> <p>3 MS. KENNEDY: All the documents here is 4 what she's looking at.</p> <p>5 THE WITNESS: This is what the judge 6 said.</p> <p>7 MS. SIMSON: We'll make copies of this.</p> <p>8 Q. (By Ms. Simson) Do you recall the 9 circumstances of the complaint?</p> <p>10 A. It was just an observation that she made while 11 she was working at the polling location, that she --</p> <p>12 Q. And the observation was about an election 13 worker?</p> <p>14 A. Yes. She said, "An elderly gentleman came to 15 vote early and brought his wife on election day. He 16 stood with his wife when he checked in. He then pulled 17 me aside and told me that he was never asked for ID 18 because he had his voter registration card.</p> <p>19 "And he questioned it, but they never 20 took his ID. He heard me explain to another person in 21 line that ID was now required to vote and that was 22 acceptable form."</p> <p>23 So the voter was concerned because he was 24 not asked for his ID. And he asked her, you know, 25 whether or not he was supposed to have ID or not. So he</p>	<p style="text-align: center;">73</p> <p>1 Q. So if the sheriff for Jefferson County --</p> <p>2 A. I don't care. If I come up there to vote, I 3 show voter ID, you know, so...</p> <p>4 Q. And so you have not received any other 5 complaints from constituents about this photo ID law?</p> <p>6 A. Have I received any complaints?</p> <p>7 Q. Yes.</p> <p>8 A. No. You mean as far as going to the polling 9 locations?</p> <p>10 Q. The voters, yeah.</p> <p>11 A. No.</p> <p>12 Q. And do you know -- did you receive any 13 feedback from election workers about the implementation 14 of S.B. 14?</p> <p>15 A. No, I have not.</p> <p>16 Q. Did you request any feedback from election 17 workers about how it went, implementing the photo ID 18 law?</p> <p>19 A. No, I have not.</p> <p>20 Q. Did the Secretary of State's office contact 21 you at all about how the implementation of S.B. 14 went 22 in any of the elections?</p> <p>23 A. No, they have not.</p> <p>24 Q. And you have not contacted the Secretary of 25 State's office about how the implementation of S.B. 14</p>

<p>1 went in any of the elections?</p> <p>2 A. No, I have not.</p> <p>3 Q. Did the Secretary of State's office collect</p> <p>4 any information from you about how the implementation of</p> <p>5 S.B. 14 went?</p> <p>6 A. No, they have not.</p> <p>7 Q. Before you mentioned that the voters who were</p> <p>8 found to be substantially similar had to fill out forms.</p> <p>9 Do you have any sense for how many forms were filled out</p> <p>10 for voters who were substantially similar?</p> <p>11 A. Oh, my. We turn those in to voter</p> <p>12 registration. And, initially, we had a stack about that</p> <p>13 big (indicating), and that was because the election</p> <p>14 workers did not understand about the "substantially</p> <p>15 similar." So they were challenging everything that was</p> <p>16 not exact in the voter registration database.</p> <p>17 But I think since the first election,</p> <p>18 which was the constitutional amendment election, we have</p> <p>19 straightened that out.</p> <p>20 Q. So that was probably a couple hundred in that</p> <p>21 forms filled out?</p> <p>22 A. Yeah, I think so. And the voter registrar has</p> <p>23 all of those.</p> <p>24 Q. And when you say that initially they were</p> <p>25 challenging everyone who wasn't an exact match, what do</p>	<p>74</p> <p>1 A. I have two offices.</p> <p>2 Q. And what are the costs to get a certified copy</p> <p>3 of a marriage license in Jefferson County?</p> <p>4 A. A marriage license is around \$6.</p> <p>5 Q. Around \$6. And is there any sort of waiver if</p> <p>6 a person says, "I need a certified copy of my marriage</p> <p>7 license, but I can't afford \$6"?</p> <p>8 A. No, there's not.</p> <p>9 Q. Okay. The county also has the ability to</p> <p>10 issue certified copies of birth certificates; is that</p> <p>11 correct?</p> <p>12 A. That's correct.</p> <p>13 Q. And I imagine those are offered at both of</p> <p>14 those locations you mentioned before?</p> <p>15 A. That's correct.</p> <p>16 Q. Okay. And can you -- can a person request</p> <p>17 that on-line or by mail from the county?</p> <p>18 A. They can, with proper ID.</p> <p>19 Q. With proper ID.</p> <p>20 A. Because those are not public forms for</p> <p>21 everyone.</p> <p>22 Q. And what is the cost of getting a certified</p> <p>23 copy of a birth certificate?</p> <p>24 A. I think it's \$23.</p> <p>25 Q. \$23. Are you aware that fees are being waived</p>
<p>75</p> <p>1 you mean by they were challenging them?</p> <p>2 A. I mean, if they weren't exact -- if they</p> <p>3 weren't exactly the same on the voter ID as they were on</p> <p>4 the voter registration database, they made them fill out</p> <p>5 a form, if they weren't exactly the same.</p> <p>6 Q. Now, if they are not an exact match, what does</p> <p>7 the voter have to do?</p> <p>8 A. They let them vote. They don't have to be an</p> <p>9 exact match.</p> <p>10 Q. Do they have to sign any kind of affidavit on</p> <p>11 the poll book?</p> <p>12 A. No.</p> <p>13 Q. So as county clerk, does your office issue</p> <p>14 certified copies of marriage licenses?</p> <p>15 A. Yes, we do.</p> <p>16 Q. And do you know if those are issued -- sorry.</p> <p>17 Are those issued only in person, or can a person ask for</p> <p>18 a certified copy of a marriage license by mail or</p> <p>19 on-line?</p> <p>20 A. They can ask by mail or on-line.</p> <p>21 Q. And is there only one office location where a</p> <p>22 person could request a certified copy of a marriage</p> <p>23 license, or multiple offices in the county?</p> <p>24 A. Multiple.</p> <p>25 Q. And do you know, how many offices is that?</p>	<p>75</p> <p>77</p> <p>1 for birth certificates if they're needed to get an EIC?</p> <p>2 A. I know the fees have been lowered for birth</p> <p>3 certificates to get an EIC card.</p> <p>4 Q. And what are they lowered to?</p> <p>5 A. I think they are \$3, if I'm not mistaken.</p> <p>6 Q. \$3. Has anybody come in and requested one of</p> <p>7 these reduced-fee birth certificates to get an EIC?</p> <p>8 A. No, but I did publish it that they were</p> <p>9 available for \$3.</p> <p>10 Q. And how did you publish that?</p> <p>11 A. We had published them on a Web site, and also</p> <p>12 made it known -- we did the publication about the DPS</p> <p>13 coming, that if they needed a birth certificate, that</p> <p>14 the fee was only \$3, if you needed it only for an EIC</p> <p>15 card, though.</p> <p>16 Q. And does a person have to request one of these</p> <p>17 reduced-fee birth certificates in person?</p> <p>18 A. Well, you have to show an ID to get a birth</p> <p>19 certificate, because that's not just public records.</p> <p>20 Q. If a person showed up at a mobile EIC unit</p> <p>21 without a birth certificate and said they didn't have</p> <p>22 one, would they have had to come to this office to get a</p> <p>23 copy of the birth certificate, or could they have gotten</p> <p>24 it at the mobile EIC unit?</p> <p>25 A. They would come to the office.</p>

<p style="text-align: right;">78</p> <p>1 Q. They would come to the office. Did the office 2 advertise the reduced-fee birth certificates in any 3 other way? 4 A. Not that I'm aware of. 5 Q. So it was just in the advertisements about the 6 mobile EIC units and on the Web site? 7 A. That's correct. 8 Q. If a person comes into the office and says, "I 9 need a certified copy of my birth certificate," does the 10 clerk know to ask whether they are looking for one of 11 these to get an EIC? 12 A. No, they're not going to ask. 13 Q. So typically, if I walked into the office and 14 said, "I need a certified copy of my birth certificate," 15 the person sitting at the desk would say, "That's going 16 to be \$22"; is that correct? 17 A. \$23, that's correct. 18 Q. \$23. If a person shows up at the polls and 19 the information on their ID doesn't exactly match the 20 information on the poll book, can they show other 21 documents to show the election clerk that they are who 22 they say they are? 23 A. They have to have a -- one of their approved 24 forms of photo ID. 25 Q. Could they, for instance, show a credit card</p>	<p>1 a religious exemption? 2 A. No, I'm not aware of that. 3 Q. Okay. Are you aware that S.B. 14 provides a 4 disability exemption for voters with certain types of 5 disabilities? 6 A. I am aware of that. 7 Q. And do you know whether anybody in the county 8 has applied for a disability exemption? 9 A. I'm not aware of that. 10 Q. Do you know if the county has done any 11 outreach about the existence of the disability 12 exemption? 13 A. We talked to the people at Rise, which is a 14 disability group. I'm not aware of any of them that 15 have applied for any disability exemption. 16 Q. And when did you tell Rise about the 17 disability exemption? 18 A. We've been out to talk to them several times. 19 They're always calling us. They are very involved in 20 elections and voting, but I'm not aware that they have 21 applied for anything. 22 MS. SIMSON: Okay. Can we go off the 23 record? 24 (Recess from 12:16 p.m. to 12:23 p.m.) 25 Q. (By Ms. Simson) Just to go back over a few</p>
<p style="text-align: right;">79</p> <p>1 to show that their name has changed? 2 A. No. 3 Q. Okay. So it's just based on the information 4 on their ID? 5 A. Right. 6 Q. What about if a person comes back to cure 7 their ballot, could they show additional documentation 8 then? 9 A. There are forms of additional documentation 10 they can show to the voter registrar. 11 Q. Okay. And what are those additional documents 12 they can show? 13 A. I'm not familiar with that. 14 Q. And who is the person who would process the 15 cure ballots? 16 A. The voter registrar. 17 Q. And who is that? 18 A. Right now, that's Terry. 19 Q. Okay. Are you aware that S.B. 14 provides an 20 exemption for people who have a religious exemption to 21 being photographed? 22 A. I am aware of that. 23 Q. Do you know -- I know that you said it's the 24 voter registrar that handles the cure process, but do 25 you know if anybody came in and tried to cure because of</p>	<p>81</p> <p>1 things that we talked about previously, we talked about 2 the substantially-similar name provision. 3 Based on your experience as county clerk 4 and administering elections, do you think that the 5 substantially-similar name provision is one that all 6 poll workers will interpret the same way? 7 A. No. 8 Q. And why is that? 9 A. Well, because, I mean, you have 400 people 10 thinking 400 different ways. There is no way they are 11 going to think the same way. 12 Q. And there is a regulation from the Secretary 13 of State's office that offers some guidance on 14 substantially-similar names; is that correct? 15 A. That's correct. 16 Q. And do you feel that that provides enough 17 guidance to poll workers? 18 A. I mean, it provides the basic, but people just 19 don't always think the same. 20 Q. So what might be substantially similar to one 21 poll worker might not be substantially similar to 22 another poll worker? 23 A. Right. 24 Q. Before, you also mentioned that the 25 Commissioners Court allocated \$20,000 to do some voter</p>

<p style="text-align: right;">86</p> <p>1 not here at this early voting location. I can't tell 2 you about what happened on campus, but I'm not aware of 3 it.</p> <p>4 Q. Have you had any outreach efforts to the 5 university to educate students at Lamar University?</p> <p>6 A. Yes, we have. We've done a voter outreach at 7 Lamar University. Dr. Bruce Drury is one of our 8 advocates for the university. He used to teach there. 9 And we've done a lot of outreach at Lamar University.</p> <p>10 In fact, Lamar University is one of 11 our -- will be one of our early voting locations. We 12 will have early voting there three days out of the early 13 voting period.</p> <p>14 And what we're trying to do for the 15 students is to be able to catch them early, early enough 16 that if they don't have the proper photo ID, if we get 17 them during the early voting period, they have options.</p> <p>18 They can either come to the courthouse 19 during the early voting period, which would allow them 20 to do a limited ballot with the proper photo ID, or they 21 can do a mail ballot from their registered county 22 because they would still have time to do that.</p> <p>23 But I know they do have several campaigns 24 going on right now to educate them and to make sure that 25 they do have the proper photo ID.</p>	<p style="text-align: right;">88</p> <p>1 Let me strike that. Let me ask this a different way. 2 Can you describe for me public 3 transportation and the availability of public 4 transportation in Jefferson County?</p> <p>5 A. Oh, boy. I never been on the bus. I'm 6 serious. I mean, we have bus service. I can't tell you 7 anything about the bus rides. I'm serious, I've never 8 been on a bus.</p> <p>9 But Alice Keith is located right off of 10 Martin Luther King, which is right by Lamar University. 11 I know buses run that way. I can't tell you anything 12 about the bus route.</p> <p>13 The Port Arthur library is right off of 14 69 and 9th Street, which is two of the main roads in the 15 Port Arthur area. But as far as getting there on public 16 transportation, I would have no clue, sir.</p> <p>17 Q. Do you know whether there is the availability 18 of public transportation from every area to those 19 locations in the county?</p> <p>20 MR. KEISTER: Object to form.</p> <p>21 A. I would think not.</p> <p>22 Q. (By Mr. Gear) And when you say you would 23 think not, what areas come to mind?</p> <p>24 A. Well, I can't think of any area where there is 25 transportation that you can get to from everywhere in</p>
<p style="text-align: right;">87</p> <p>1 When the mobile DPS unit came here, that 2 was one of the things that they tried to target on, and 3 that's why it was over at the Alice Keith Center, which 4 is right by Lamar University, was to try to get the 5 students the proper ID.</p> <p>6 Because not everybody wants to change 7 their driver's license from the state where they live, 8 and, you know, they could have gotten the EIC cards 9 instead of changing their driver's license.</p> <p>10 Q. Are you aware of any situation during any of 11 the elections covered by S.B. 14 where a student 12 presented an out-of-state driver's license?</p> <p>13 A. I'm not aware of it.</p> <p>14 Q. We talked about two -- or you testified to two 15 DPS locations. And I believe you said Highland, and 16 what was the other location?</p> <p>17 A. Port Arthur library.</p> <p>18 Q. That's Port Arthur library?</p> <p>19 A. That was two mobile.</p> <p>20 Q. As far as those locations are concerned, is 21 there public access to those locations from everywhere 22 in the county?</p> <p>23 A. Yes.</p> <p>24 Q. So if I lived in a rural area in Jefferson 25 County, do the rural areas have public transportation?</p>	<p style="text-align: right;">89</p> <p>1 the county. I can't think of an area where you can get 2 from the rural areas to everywhere. I mean, inside the 3 county. I wouldn't know.</p> <p>4 Q. And I'm specifically talking about to the DPS 5 offices, would that be the same testimony?</p> <p>6 A. Well, where the DPS offices -- where those two 7 locations that I told you were just the mobile units for 8 the DPS offices, when the Secretary of State came down. 9 That's not where the DPS offices are located.</p> <p>10 Q. So just so I'm clear, and I'm sorry, I'm not 11 actually in the room, I'm doing this by phone. Where 12 are the DPS offices located in Jefferson County?</p> <p>13 A. Oh, the DPS office, you cannot get there. 14 They're not accessible, I can tell you that right now. 15 And that's part of the problem. That has been part of 16 the problem.</p> <p>17 And that's been part of the complaint is 18 because I know the one in Beaumont is far out of the 19 way, and there are no buses that run out there. Now, 20 the one --</p> <p>21 Q. You say that's been part of the complaint?</p> <p>22 A. That's been part of the complaint that I've 23 heard from people about the DPS office being one of the 24 only places that you can go and pick up your EIC card, 25 or even going to get any type of identification, for</p>

<p style="text-align: right;">90</p> <p>1 anyone, whether it's EIC or just an identification, 2 period. Because it's not that accessible. 3 And I don't know where the one in Port 4 Arthur is at all. I know there's one out there, but I 5 don't know where it is. But, no, it's not accessible.</p> <p>6 Q. Okay. Let me ask you: Are you aware of any 7 examples in Jefferson County of a registered voter who 8 has had difficulty obtaining an EIC?</p> <p>9 A. I'm not aware.</p> <p>10 Q. Have you communicated at all with DPS 11 regarding that issue?</p> <p>12 A. I have not communicated with DPS.</p> <p>13 Q. Has DPS shared any information with you 14 regarding any registered voter that may have had 15 difficulty obtaining an EIC?</p> <p>16 A. I have not communicated with DPS at all. When 17 the voter registrar was here, prior to his resignation, 18 he was in contact with the DPS office because they were 19 trying to work out some arrangements to make it 20 accessible.</p> <p>21 But I was not part of that -- I was not a 22 part of those conversations, so I'm not sure what 23 arrangements were made.</p> <p>24 Q. And as you sit here today, are you -- is it 25 your testimony that you just don't know if there were</p>	<p style="text-align: right;">92</p> <p>1 declined that offer. Would you mind telling me why?</p> <p>2 A. I declined it because they wanted to come like 3 the next week or so. That was not timely enough for us 4 to notify the constituents of Jefferson County.</p> <p>5 Q. And when you say that -- when you testified 6 that they notified you days before, was that days before 7 the November 5th, 2013 election?</p> <p>8 A. No, days before they wanted to set up the DPS 9 mobile station.</p> <p>10 Q. And did the Secretary of State's office offer 11 in any way to assist in providing notice to county 12 residents of the availability of the mobile EIC 13 stations?</p> <p>14 A. No. At that time they did not tell me of any 15 assistance that they were going to give me on the 16 notification.</p> <p>17 Q. And when they were actually set up, the -- in 18 February, did they provide you with any assistance in 19 reaching out to the residents of Jefferson County 20 regarding the availability of the mobile EIC stations?</p> <p>21 A. When they set up in February, yes, they did. 22 They did some radio announcements.</p> <p>23 Q. But the Secretary of State's office did the 24 radio announcements?</p> <p>25 A. Yes, they did.</p>
<p style="text-align: right;">91</p> <p>1 any arrangements made to make DPS more accessible to 2 county residents?</p> <p>3 A. That is correct.</p> <p>4 Q. And if -- if there were arrangements that were 5 made, who would know that in the county at this point? 6 What county official would know that information?</p> <p>7 A. No one.</p> <p>8 Q. And why is that?</p> <p>9 A. Because he has left the county.</p> <p>10 Q. And I believe the person that has filled that 11 position is an interim person with the first name Terry?</p> <p>12 A. That's correct.</p> <p>13 Q. And have you had any discussions with Terry 14 regarding any arrangements that have been made to make 15 DPS offices more accessible in the county?</p> <p>16 A. No, I have not.</p> <p>17 Q. I'm turning your attention now to the mobile 18 EIC stations. You indicated that -- I believe you 19 testified to the offer by the Secretary of State's 20 office to make EIC stations available prior to the 21 November 5th, 2013 election; is that correct?</p> <p>22 A. Yes, that's correct.</p> <p>23 Q. You declined that offer?</p> <p>24 A. I did.</p> <p>25 Q. And I wasn't clear on specifically why you</p>	<p style="text-align: right;">93</p> <p>1 Q. And when were those radio announcements 2 actually -- do you know how many radio announcements?</p> <p>3 A. No, I don't know how many, but they were done 4 like for at least a week.</p> <p>5 Q. And do you know what time of day, when they 6 actually occurred?</p> <p>7 A. No, sir, I don't.</p> <p>8 Q. Do you know what the substance of the radio 9 announcement was?</p> <p>10 A. The substance was just that they were going to 11 have the mobile stations here for those requiring 12 election identification cards in order to vote, if you 13 didn't have the proper photo ID.</p> <p>14 Q. And were those radio announcements by the 15 Secretary of State, do you know if they were in both 16 English and Spanish?</p> <p>17 A. I don't remember the Spanish version.</p> <p>18 Q. And I believe you were asked the question -- 19 or strike that. Let me just ask you the question: Do 20 you believe that a week's notice of -- was effective -- 21 do you believe that the EIC stations in February were 22 effective?</p> <p>23 A. I'm not sure because I don't know what the 24 turnout was. I know that we did the best that we could 25 to get the messages out to the churches and to the</p>

<p style="text-align: center;">94</p> <p>1 organizations that we had access to.</p> <p>2 And we had a couple of weeks in order to</p> <p>3 get that message out, so at least I felt like we had</p> <p>4 more time to get the messages out. Whether or not they</p> <p>5 were utilized, I'm not sure.</p> <p>6 Q. Okay. And why are you not sure what the</p> <p>7 turnout is in Jefferson County regarding the mobile EIC</p> <p>8 station?</p> <p>9 A. Because at that time, I was involved in doing</p> <p>10 the early voting for that election.</p> <p>11 Q. And did the DPS offer any information</p> <p>12 regarding the mobile EIC stations?</p> <p>13 A. No, they did not.</p> <p>14 Q. Did you at any time request any information</p> <p>15 regarding the mobile EIC stations?</p> <p>16 A. No, I did not.</p> <p>17 Q. And I believe -- and I apologize if you've</p> <p>18 answered this question. Was there any county staff that</p> <p>19 were present during the operation of the EIC mobile</p> <p>20 station?</p> <p>21 A. No, not -- only to the point of going to make</p> <p>22 sure that the buildings were open and accommodating for</p> <p>23 the DPS personnel they had out there.</p> <p>24 Q. Did the Secretary of State's office or DPS</p> <p>25 offer to allow any county election officials to assist</p>	<p style="text-align: center;">96</p> <p>1 A. Well, I can only go by what I'm told, and</p> <p>2 that's anywhere from 30 minutes to an hour, or longer.</p> <p>3 Q. And that would be the average wait time, as</p> <p>4 you understand it, in the DPS offices in Jefferson</p> <p>5 County?</p> <p>6 MR. KEISTER: Object to form.</p> <p>7 A. Yes. And that's because of the wait time</p> <p>8 behind those getting, I guess, driver's licenses, or</p> <p>9 renewals, or whatever.</p> <p>10 There is no -- as far as I know, there</p> <p>11 has been no provisions just to go in and get EIC cards,</p> <p>12 certificates.</p> <p>13 Q. (By Mr. Gear) Do you have an understanding as</p> <p>14 to what the EIC election identification certificate</p> <p>15 process is at DPS?</p> <p>16 A. No, I don't.</p> <p>17 Q. Do you have an opinion as to whether or not</p> <p>18 the underlying documents that are necessary to present</p> <p>19 in order to receive an EIC are free?</p> <p>20 MR. KEISTER: Object to form.</p> <p>21 A. They are not free.</p> <p>22 Q. (By Mr. Gear) And when you say they are not</p> <p>23 free, what is the basis of your opinion?</p> <p>24 MR. KEISTER: Object to form.</p> <p>25 A. Well, you have to have some type of a birth</p>
<p style="text-align: center;">95</p> <p>1 during the operation of the mobile EIC stations?</p> <p>2 A. They didn't offer, and I did not offer because</p> <p>3 I would not have had the staff available. We were in</p> <p>4 the middle of elections at the time.</p> <p>5 Q. So when you say "they didn't offer," you're</p> <p>6 talking about DPS?</p> <p>7 A. DPS, or Secretary of State.</p> <p>8 Q. And if they had offered, you did not have</p> <p>9 staff available, is that what you're telling me?</p> <p>10 A. No, I would not have had the staff available.</p> <p>11 Q. Regarding DPS, the DPS offices, have you --</p> <p>12 are you aware of any complaints by Jefferson County</p> <p>13 residents regarding their reluctance to go to DPS for</p> <p>14 any reason?</p> <p>15 MR. KEISTER: Object to form.</p> <p>16 A. I'm sorry, would you repeat that?</p> <p>17 Q. (By Mr. Gear) Sure. That probably wasn't</p> <p>18 clear. Have you heard any complaints from county</p> <p>19 residents regarding the DPS offices?</p> <p>20 MR. KEISTER: Object to form. Vague.</p> <p>21 A. Well, yeah. They complain it's not</p> <p>22 accessible, it's far, and it's always too crowded.</p> <p>23 Q. (By Mr. Gear) And when you say always too</p> <p>24 crowded, do you have an idea as to what the wait times</p> <p>25 in the DPS offices currently are?</p>	<p style="text-align: center;">97</p> <p>1 certificate, or a marriage license, or some type of form</p> <p>2 to prove who you are.</p> <p>3 Q. (By Mr. Gear) And in Jefferson County, if</p> <p>4 someone does not have an original or certified copy of</p> <p>5 their birth certificate, I believe you testified that</p> <p>6 the amount has been reduced, but it is -- the birth</p> <p>7 certificate would not be free; correct?</p> <p>8 A. That is correct.</p> <p>9 Q. The reduced fee, would that be required to be</p> <p>10 paid by the applicant for the birth certificate?</p> <p>11 A. Yes, that's correct.</p> <p>12 Q. And I believe you also testified that if an</p> <p>13 individual enters into the office of vital statistics to</p> <p>14 get a birth certificate, that they would not be</p> <p>15 immediately informed of the reduced fee.</p> <p>16 A. Not unless they would tell the clerk what the</p> <p>17 purpose was -- what they are there for, what they need</p> <p>18 it for. I mean, it's not information that's just</p> <p>19 volunteered.</p> <p>20 I mean, the clerk is not going to say,</p> <p>21 "Do you need a birth certificate for an EIC card?"</p> <p>22 Q. So the answer to that is "no"?</p> <p>23 A. Yes.</p> <p>24 Q. You testified briefly about the religious</p> <p>25 exemption for photo IDs, and you mentioned that -- well,</p>

<p>98</p> <p>1 strike that.</p> <p>2 How has the county advertised regarding</p> <p>3 the religious exemptions for photo IDs?</p> <p>4 A. We have not advertised anything about</p> <p>5 exemptions, religious exemptions.</p> <p>6 Q. Has the county advertised regarding disability</p> <p>7 exemptions?</p> <p>8 A. No, we have not.</p> <p>9 Q. Are you aware of whether the state has</p> <p>10 provided any -- any assistance in advertising that</p> <p>11 information -- that type of information regarding</p> <p>12 exemptions in Jefferson County?</p> <p>13 A. I'm not aware of any.</p> <p>14 Q. And as the election administrator, is it fair</p> <p>15 to say that if they had, you would be aware of that?</p> <p>16 A. That's correct.</p> <p>17 Q. You mentioned that the county was responsible</p> <p>18 for implementing its own training regarding S.B. 14. Am</p> <p>19 I correct on that?</p> <p>20 A. Yes.</p> <p>21 Q. Did you reach out to any other counties</p> <p>22 regarding the training and the implementation of</p> <p>23 S.B. 14?</p> <p>24 A. No, I did not.</p> <p>25 Q. Has any county resident expressed concerns</p>	<p>100</p> <p>1 jail. I guess if you do the crime, you do the time.</p> <p>2 Q. What about underlying traffic tickets?</p> <p>3 A. Those, too.</p> <p>4 Q. Have there been any concerns regarding names</p> <p>5 of county residents being run who may have underlying</p> <p>6 traffic tickets, or outstanding tickets?</p> <p>7 A. I guess there may have been some concerns as</p> <p>8 well.</p> <p>9 Q. And what, if any, understanding do you have</p> <p>10 about the process at DPS regarding running for warrants</p> <p>11 for underlying tickets or traffic tickets?</p> <p>12 A. Well, I don't know what their process is.</p> <p>13 Q. So as you sit here today, your testimony is</p> <p>14 that you heard from county residents regarding concerns</p> <p>15 related to being arrested at DPS and having their names</p> <p>16 checked for tickets or traffic tickets, but you don't</p> <p>17 know what the process is at DPS currently?</p> <p>18 A. That's true.</p> <p>19 MR. KEISTER: Object to form.</p> <p>20 Mischaracterizes previous testimony. Plus, it's vague.</p> <p>21 Q. (By Mr. Gear) And I didn't catch your answer</p> <p>22 to that.</p> <p>23 A. That's true.</p> <p>24 Q. And I'm almost done. I have maybe one or two</p> <p>25 more questions.</p>
<p>99</p> <p>1 regarding a fear of going to DPS because they may be</p> <p>2 targeted in any fashion?</p> <p>3 MR. KEISTER: Object to form. Vague.</p> <p>4 Calls for speculation.</p> <p>5 Q. (By Mr. Gear) Well, let me clarify that. I</p> <p>6 asked has any county resident -- are you aware of any</p> <p>7 county resident complaining to you or your staff</p> <p>8 regarding DPS because of fear of being targeted in any</p> <p>9 fashion by the DPS offices?</p> <p>10 MR. KEISTER: Objection; form. Vague.</p> <p>11 A. Well, I don't know about fear. I guess there</p> <p>12 was an initial dialogue whether or not if they apply for</p> <p>13 EIC, could they be arrested if they had warrants.</p> <p>14 Q. (By Mr. Gear) When you say "initial"</p> <p>15 dialogue, who was this dialogue with?</p> <p>16 A. Just citizens of Jefferson County. I mean,</p> <p>17 that was the initial dialogue, any time they go to DPS,</p> <p>18 though.</p> <p>19 Q. And what is your understanding of -- could you</p> <p>20 please explain the substance of that dialogue?</p> <p>21 A. I mean, most people think that when they go to</p> <p>22 DPS, that DPS is going to run their name to see if they</p> <p>23 have any warrants.</p> <p>24 I mean, I have known a lot of people that</p> <p>25 if they have warrants, they go straight from DPS to</p>	<p>101</p> <p>1 Regarding the mobile EIC stations, did</p> <p>2 the Secretary of State's office assist in any way to</p> <p>3 determine the appropriate locations for the mobile EIC</p> <p>4 stations?</p> <p>5 A. No, they did not.</p> <p>6 Q. Did they provide you with any data that may</p> <p>7 suggest where the highest no matches may be in Jefferson</p> <p>8 County?</p> <p>9 A. No, they did not.</p> <p>10 Q. And you have been the election administrator</p> <p>11 since 2004, did I understand that testimony correctly?</p> <p>12 A. Yes, I've been county clerk since 2004.</p> <p>13 Q. County clerk. And since 2004, are you aware</p> <p>14 of any allegations, investigations, or convictions of</p> <p>15 any person in voter fraud in Jefferson County?</p> <p>16 A. No, I'm not aware of any.</p> <p>17 Q. And that's true from 2004 to the present?</p> <p>18 A. That's correct.</p> <p>19 Q. And prior to 2004, are you aware of any</p> <p>20 allegations, investigations, or convictions of any</p> <p>21 person voter impersonation fraud?</p> <p>22 A. I'm not aware of any.</p> <p>23 Q. And one last question. I understood -- and I</p> <p>24 do not have the exhibits in front of me. But I</p> <p>25 understood that you provided some testimony regarding</p>

<p style="text-align: center;">122</p> <p>1 Q. Okay. Could it be that the combination form 2 that's used at the election has a place for voters to 3 initial on the actual form when they have a 4 substantially-similar name, as opposed to -- as opposed 5 to the same match?</p> <p>6 A. Well, we don't use combination forms in 7 Jefferson County because we use EA tablets, so our 8 voters sign electronically. So we don't use combination 9 forms.</p> <p>10 Q. Okay.</p> <p>11 A. So I'm not familiar -- it may be on some 12 combination forms, but we don't use that form here in 13 Jefferson County.</p> <p>14 Q. You would know better than I. Do you have an 15 example in the documents you brought today of the type 16 of form that would be used when a name is substantially 17 similar but not an exact match?</p> <p>18 A. Sir, I'm afraid I did not, but I -- I cannot 19 log on. I'm sorry.</p> <p>20 Q. Okay. That's fine. That's one thing, if we 21 could after the deposition, if we could try.</p> <p>22 A. I will definitely get it in these documents.</p> <p>23 Q. Okay. Did anybody come to you after the 2013 24 election and tell you that they were unable to vote 25 because of the requirements of S.B. 14?</p>	<p style="text-align: center;">124</p> <p>1 ID, or didn't have a correct ID, or do you know?</p> <p>2 A. No ID.</p> <p>3 Q. No ID at all?</p> <p>4 A. Well, I can tell you in a minute. Well, this 5 one says, "failed to present acceptable ID," on the 6 first one. The second one says, "failed to present 7 acceptable ID." On the third one, it says, "expired 8 ID." And on the fourth one, it was "expired ID."</p> <p>9 Q. Okay. So --</p> <p>10 A. So I had two expired, and two failed to 11 present.</p> <p>12 Q. Okay.</p> <p>13 A. So it was four for the March 4th primary.</p> <p>14 Q. Okay. And were any of those provisional 15 ballots cured?</p> <p>16 A. No, sir.</p> <p>17 Q. Okay. Do you know whether or not any of those 18 persons made any effort to cure the provisional ballot?</p> <p>19 A. No, sir, it doesn't appear.</p> <p>20 Q. Do you know if they came into the office, or 21 called and tried to cure it, but for whatever reason 22 could not?</p> <p>23 A. According to the notes from the voter 24 registrar office, they did not come in.</p> <p>25 Q. Okay. So as we sit here today, we don't know</p>
<p style="text-align: center;">123</p> <p>1 A. No, sir.</p> <p>2 Q. Okay. Did anyone report to you from your 3 office that anyone came to them and said, "Hey, I was 4 not able to vote because of the requirements of 5 S.B. 14"?</p> <p>6 A. No, sir.</p> <p>7 Q. Okay. Now, the next election then was the 8 March primary; correct, of 2014?</p> <p>9 A. March 4th, that's correct.</p> <p>10 Q. Now, how many provisional ballots was cast in 11 the March primary?</p> <p>12 A. Total, or to do with voter ID?</p> <p>13 Q. Total provisional ballots.</p> <p>14 A. I think total we had nine, but I think there 15 were only three to do with photo ID.</p> <p>16 Q. Okay. So provisional ballots are cast for a 17 lot of reasons, other than -- other than the 18 requirements of S.B. 14; correct?</p> <p>19 A. That's correct.</p> <p>20 Q. Okay. So you think with respect to the March 21 primary of 2014, you think there were three provisional 22 ballots cast because of S.B. 14?</p> <p>23 A. Uh-huh.</p> <p>24 Q. And do you know what the basis of each of 25 those were? Was it because the person didn't have any</p>	<p style="text-align: center;">125</p> <p>1 if those people could have cured it or --</p> <p>2 A. They did not come in within the six days, 3 that's all we know.</p> <p>4 Q. Okay. Now, you had mentioned a lady --</p> <p>5 A. Addie, Addie Allen.</p> <p>6 Q. Is she -- was her provisional ballot during 7 the March primary?</p> <p>8 A. Hers was during the runoff election.</p> <p>9 Q. All right. We'll come back to that. Okay.</p> <p>10 All right. So we had four provisional ballots cast in 11 the 2014 primary. And to your knowledge, those people 12 did not come in to cure?</p> <p>13 A. They did not come in.</p> <p>14 Q. All right. How many -- do you know how many 15 votes total were cast in Jefferson County in the 2014 16 primary?</p> <p>17 A. I can't get to that information, I'm sorry.</p> <p>18 Q. How about -- I didn't ask you about the 2013.</p> <p>19 A. I do know, but I can't -- sorry, I can't. No 20 wifi.</p> <p>21 MS. KENNEDY: It doesn't come back here, 22 though.</p> <p>23 Q. (By Mr. Keister) That's fine. The 2013 24 election, was it average, or more, or less?</p> <p>25 A. For the constitutional amendment, it's always</p>

<p>1 election; correct?</p> <p>2 A. No, sir.</p> <p>3 Q. All right. Then the next election was the</p> <p>4 runoff election?</p> <p>5 A. Yes.</p> <p>6 Q. Was that in May?</p> <p>7 A. Well, it actually wasn't the next one.</p> <p>8 Q. What was the next election after the -- after</p> <p>9 the March 2014 primary?</p> <p>10 A. We had the Senate District, May 5th.</p> <p>11 Q. Okay.</p> <p>12 A. That was Senate District -- Senate District 4,</p> <p>13 we had the May 5th election, and then we had the runoff</p> <p>14 on May 27.</p> <p>15 Q. That was a special election?</p> <p>16 A. Yeah.</p> <p>17 Q. Who had been the previous senator, or who</p> <p>18 vacated their position?</p> <p>19 A. Tommy Williams.</p> <p>20 Q. All right. Were there any provisional ballots</p> <p>21 cast during that particular election?</p> <p>22 A. No, there were none.</p> <p>23 Q. Okay. Were there any -- any similar names</p> <p>24 afterwards filled out during that election?</p> <p>25 A. There were none.</p>	<p>130</p> <p>1 to photo ID.</p> <p>2 Q. How many total provisional ballots, if you</p> <p>3 have it?</p> <p>4 A. Total, 11 total.</p> <p>5 Q. Okay. And do you know what -- why -- what the</p> <p>6 provisional ballots were, other than the ones that were</p> <p>7 cast because of S.B. 14? What type of issues?</p> <p>8 A. Yeah, they were like -- they would show up and</p> <p>9 they already had a ballot by mail, and they would show</p> <p>10 up at the polling location to vote when they already had</p> <p>11 a mail ballot that we had, or --</p> <p>12 Q. In that situation, they would be allowed to</p> <p>13 vote?</p> <p>14 A. No, because we had their ballot by mail</p> <p>15 already.</p> <p>16 Q. They weren't allowed to vote?</p> <p>17 A. They weren't allowed to vote, we already had</p> <p>18 their ballot by mail.</p> <p>19 Q. Okay. Do you keep records of that, when</p> <p>20 somebody shows up to vote in person, and they have never</p> <p>21 voted by mail?</p> <p>22 A. Yeah. Because it's in the system, in the EA</p> <p>23 tablet that we already have a mail ballot for them, and</p> <p>24 we will pull it and we say we have a ballot by mail</p> <p>25 right here, it's already been processed.</p>
<p>131</p> <p>1 Q. Did you receive any complaints that anyone</p> <p>2 complained that they were not allowed to vote during</p> <p>3 that election because of any of the -- any of the photo</p> <p>4 ID requirements?</p> <p>5 A. Not that I'm aware of.</p> <p>6 Q. Okay. Did anyone from your office report to</p> <p>7 you they had heard complaints that someone had not been</p> <p>8 allowed to vote because of the requirements of S.B. 14</p> <p>9 or photo ID?</p> <p>10 A. No, sir.</p> <p>11 Q. Who were the candidates in that election, do</p> <p>12 you recall?</p> <p>13 A. Creighton, Todd, Galloway, and there was one</p> <p>14 more. Do you know?</p> <p>15 Q. That's fine.</p> <p>16 A. One more. I can't remember.</p> <p>17 Q. Okay. So with respect to -- well, let's just</p> <p>18 go on. The next election then would have been the</p> <p>19 runoff; correct?</p> <p>20 A. The runoff, May 27th.</p> <p>21 Q. All right. And with respect to the May 27th</p> <p>22 runoff, were provisional ballots cast?</p> <p>23 A. Yes.</p> <p>24 Q. Okay. How many were cast?</p> <p>25 A. I think there was seven, but three pertaining</p>	<p>133</p> <p>1 Q. Does that happen with regularity?</p> <p>2 A. No, we have not, but we've had so many</p> <p>3 elections this year, people got confused what elections</p> <p>4 they were voting in because we have had so many back to</p> <p>5 back.</p> <p>6 Q. Is it your understanding that it would be</p> <p>7 illegal if somebody voted by mail and then showed up and</p> <p>8 voted in person and actually cast two votes?</p> <p>9 A. Yeah, but because our system is real-time</p> <p>10 voting, it would be very hard for us not to catch it.</p> <p>11 Q. Right. But if you didn't catch it and</p> <p>12 somebody did that, that would be an illegal act;</p> <p>13 correct?</p> <p>14 A. It would be.</p> <p>15 Q. Would that be an in-person illegal act?</p> <p>16 A. But, I mean, I don't think anybody would</p> <p>17 intentionally. I think sometimes they don't realize it.</p> <p>18 Like I said, we have had so many elections this year,</p> <p>19 the voters really got confused.</p> <p>20 Q. I understand. And isn't it fair to say that</p> <p>21 the purpose of -- well, not the purpose, but that the --</p> <p>22 that it's your effort to encourage as many people to</p> <p>23 vote; correct?</p> <p>24 A. Yeah.</p> <p>25 Q. And you don't want to discourage, I don't mean</p>

<p>1 this doesn't appear to match"?</p> <p>2 A. Yeah.</p> <p>3 Q. Would they be arrested there on the spot?</p> <p>4 A. I don't know.</p> <p>5 Q. All right. We'll move on.</p> <p>6 A. I really don't know.</p> <p>7 Q. Okay.</p> <p>8 A. So you want to talk about the other provisional ballots?</p> <p>9 Q. Yes. We're into the runoff election; correct?</p> <p>10 A. Right.</p> <p>11 Q. All right. So we have provisional -- how many provisional ballots?</p> <p>12 A. We had 11.</p> <p>13 Q. And how many of those related to --</p> <p>14 A. I think it's three.</p> <p>15 Q. Related to --</p> <p>16 A. Photo ID.</p> <p>17 Q. Right.</p> <p>18 A. And these two are "no ID presented," "failed to present ID," one, twice. Two of them are fail to present ID, and one of them is just does not have acceptable ID. Whatever that means.</p> <p>19 Q. Okay. Were any of those cured?</p> <p>20 A. No, sir.</p>	<p>140</p> <p>1 Q. It doesn't indicate whether it was an early vote, or on election day?</p> <p>2 A. No. But the six days they should have from the date of the election.</p> <p>3 Q. Okay. When a person votes with a provisional ballot, is there a procedure that the poll worker is required to go through in terms of telling them what the provisional ballot is, and what they have to do to cure it?</p> <p>4 A. Right. And they have a form they put them on. They have a provisional ballot list they put them on. They also have a notice of provisional ballot which explains to the voter, you know, why they are a provisional ballot.</p> <p>5 It should have had a date on there, the date that she has to cure it by. She should have been given that notice as well.</p> <p>6 Q. Okay.</p> <p>7 A. It should have had the date for her to come in by.</p> <p>8 Q. And that part of that notice, it tells when to come in and where to come in; correct?</p> <p>9 A. Right.</p> <p>10 Q. And what was her name, Addie?</p> <p>11 A. Addie Allen.</p>
<p>139</p> <p>1 Q. Okay. And was one of those the lady you were talking about?</p> <p>2 A. Yes, sir, Ms. Allen.</p> <p>3 Q. And she came and talked to you personally?</p> <p>4 A. No, I spoke to her over the phone.</p> <p>5 Q. Okay. And she related that she was aware of the cure process; correct?</p> <p>6 A. Yes.</p> <p>7 Q. Just she got confused about the timing of it; correct?</p> <p>8 A. Which day, yes.</p> <p>9 Q. Okay. Did she have any complaints with the information she was provided at the poll when they allowed her to vote provisionally?</p> <p>10 A. Well, yes, because she was -- her complaint was when was the actual six days, and when did the six days begin, and when was the last day to cure.</p> <p>11 So I don't know what the mix-up was as far as the six days, six days from when, and when was her sixth day to cure.</p> <p>12 Q. Does it indicate whether she voted early or on the day of the actual election?</p> <p>13 A. This was for the -- let me see. I can look at it and see. It says six days to cure. So I don't know what date.</p>	<p>141</p> <p>1 Q. Did Addie Allen indicate to you that she had been provided that written information?</p> <p>2 A. She said she was provided that information, but I never did see what she was looking at.</p> <p>3 Q. Okay. So she didn't complain that somebody at the polling station had done something wrong, she just misunderstood something about the information?</p> <p>4 A. Well, according to Ms. Allen, you know, from the date she gave me, it would have been the day after the date to cure.</p> <p>5 But like I said, without me seeing what she was given, I can't confirm or deny that she was given the correct information.</p> <p>6 Q. Okay. And the other two individuals that voted provisionally, you had no contact with?</p> <p>7 A. No contact.</p> <p>8 Q. Okay. So have we covered all the elections that have occurred after June of 2013?</p> <p>9 A. Yes, sir.</p> <p>10 Q. Okay. And then there's another election coming up here shortly; correct?</p> <p>11 A. Early voting starts Monday.</p> <p>12 Q. Okay. Based upon the five elections in Jefferson -- or four. Based upon the five elections that's occurred in Jefferson County after S.B. 14 has</p>

<p>142</p> <p>1 become implemented or became implemented, do you, based 2 upon that experience, have any reason to think S.B. 14 3 has prevented people from voting in Jefferson County? 4 A. I don't think it's prevented people from 5 voting. 6 Q. Do you see anything in the numbers of those 7 elections that would indicate to you that there has been 8 a decrease in voting in Jefferson County after the 9 implementation of S.B. 14? 10 A. No, sir. 11 Q. Has anyone complained to you that the actual 12 process of voting has been slowed down because of the 13 requirements of S.B. 14? 14 A. Well, the election workers do complain it 15 takes them longer to process voters with the driver's 16 license than with the voter registration cards. 17 Q. Has there been any complaints from the voters, 18 to your knowledge, that it's taking them too long to 19 vote because of the S.B. 14 requirements? 20 A. No, sir. I've not gotten any complaints from 21 the voters. 22 Q. Okay. To your knowledge, has anyone in your 23 office gotten any complaints from your voters that it's 24 taking too long to vote because of the S.B. 14 25 identification requirements?</p>	<p>144</p> <p>1 A. No, sir, we don't. 2 Q. Who does? 3 A. The voter registrar, tax assessor/collector. 4 Q. Do you know what information is printed on the 5 voter registration cards? 6 A. Like? 7 Q. That are sent out. 8 A. Well, like name, address. 9 Q. Do you know whether or not on the current 10 voter registration card, whether or not it contains on 11 the back of the card the S.B. 14 photo ID requirements? 12 A. No, sir, I don't know that. 13 Q. That's not something your office deals with? 14 A. No, sir. 15 Q. You mentioned that you have two offices? 16 A. Yes, sir. 17 Q. Okay. Where are the -- both offices? 18 A. Here is the main location, and Port Arthur is 19 the substation. 20 Q. Okay. What are the office hours of your main 21 office? 22 A. We're open 8:00 to 4:30 to the public. We're 23 open until 5:00 to answer the phone, until 5:00, but we 24 close to the public at 4:30. 25 Q. Okay.</p>
<p>143</p> <p>1 A. No, sir, not to my knowledge. 2 Q. Okay. And you mentioned some of the poll 3 workers were complaining it was taking longer. Did any 4 of them -- did any of those complaints relate to voters 5 telling the poll workers -- or complaining to the poll 6 workers that it was taking too long for the voters to 7 vote, or was it the poll workers complaining that they 8 were having to do additional work? 9 A. Well, I don't think it was complaining because 10 they have to do additional work. I think it takes them 11 longer to process the voters with the driver's license, 12 because not all the driver's licenses will scan in our 13 system. Only the new driver's licenses will scan. The 14 old ones won't. 15 Whereas, with the voter registration 16 cards, all the voter registration cards will scan. So 17 it takes much -- it's a much quicker process to scan the 18 cards. I don't know why the old licenses won't scan. 19 So it slows down the process when they 20 have to type it in versus just pop and scan. 21 Q. Have any of the poll workers related that the 22 voters are complaining about the time it took to vote? 23 A. No, sir, I guess not. 24 Q. Okay. Does your office send out the voter 25 registration cards?</p>	<p>145</p> <p>1 A. Because we still have to balance. Same thing 2 at the sub office. 3 Q. Okay. 4 A. Monday through Friday. 5 Q. Okay. From 8:00 to 4:30? 6 A. Yes. 7 Q. And are you ever open on weekends? 8 A. No, sir. 9 Q. Ever open any late nights for any reason? 10 A. Only during the election time. 11 Q. Okay. And is that open to the public, or is 12 that just -- 13 A. No, sir. 14 Q. That's just the office being working -- 15 working not open to the public? 16 A. That's correct. 17 Q. All right. Does the county clerk's office 18 issue now any type of photo ID? 19 A. No, sir, we don't. 20 Q. For your employees, or anything else? 21 A. No, sir. That's done through the human 22 resource department. 23 Q. Okay. In dealing with the public, is there 24 ever any times that your office requires public persons 25 who come in, or public that comes in, for services to</p>

<p style="text-align: center;">154</p> <p>1 they live outside of Beaumont but there is no public 2 transportation, no bus?</p> <p>3 A. They have cars.</p> <p>4 Q. Yeah. Do you think that's a fairly common 5 situation for people who live outside of the City of 6 Beaumont, to own a vehicle?</p> <p>7 A. Yes.</p> <p>8 MR. GEAR: Objection; calls for 9 speculation.</p> <p>10 Q. (By Mr. Keister) Or to have access to a 11 vehicle.</p> <p>12 A. Yes, sir.</p> <p>13 Q. Because we're not like some of the other 14 cities up north or east, we don't have big subways; 15 right?</p> <p>16 A. Right.</p> <p>17 Q. And we don't have bus systems that cover the 18 whole county; correct?</p> <p>19 A. Correct.</p> <p>20 Q. Do you know of any county in Texas that would 21 have a bus system that would cover every inch of the 22 county?</p> <p>23 A. No, sir, I don't.</p> <p>24 Q. Okay. People down here drive vehicles; right?</p> <p>25 A. Yes, sir.</p>	<p style="text-align: center;">156</p> <p>1 get past 105, all the way out that way, exit 105.</p> <p>2 Q. I'm not that familiar.</p> <p>3 A. Okay.</p> <p>4 Q. How far do you think it is from here?</p> <p>5 A. It's a good little ways out. It's nothing I</p> <p>6 don't want to walk to. It's about -- way out.</p> <p>7 Q. How long do you think it would take you to 8 drive it?</p> <p>9 A. It would take 20, 25 minutes to get out that</p> <p>10 way, 25.</p> <p>11 Q. With respect to Jefferson County, or at least</p> <p>12 the people that particular office would serve -- I</p> <p>13 suppose Port Arthur has its own -- geographically</p> <p>14 speaking, do you think that's centrally located for the</p> <p>15 people it's trying to serve?</p> <p>16 A. No, not at all.</p> <p>17 Q. Not at all?</p> <p>18 A. No.</p> <p>19 Q. Why not? I'm just asking.</p> <p>20 A. It's like the end of something, it's like the</p> <p>21 end of going to Lumberton. It's closer to Lumberton</p> <p>22 than it is to anything in Beaumont.</p> <p>23 Q. How long has that location been there?</p> <p>24 A. Forever. Forever. Since I got my driver's</p> <p>25 license. Been a while.</p>
<p style="text-align: center;">155</p> <p>1 Q. Okay.</p> <p>2 MR. GEAR: Calls for speculation, form.</p> <p>3 Q. (By Mr. Keister) We like that, don't we?</p> <p>4 A. Yes, sir.</p> <p>5 Q. With respect to the DPS offices, you say</p> <p>6 there's one in -- one in Beaumont, and one in Port</p> <p>7 Arthur?</p> <p>8 A. Yes, sir, I think.</p> <p>9 Q. That you know of?</p> <p>10 A. Yes, sir.</p> <p>11 Q. Do you know the address of the one here in</p> <p>12 Beaumont?</p> <p>13 A. No, sir. I know it's way out on Tram Road</p> <p>14 somewhere.</p> <p>15 Q. Do you know the location? Does 7200 Eastex</p> <p>16 Freeway sound familiar?</p> <p>17 A. That sounds right.</p> <p>18 Q. Okay. Where would that be -- we're at the</p> <p>19 courthouse today; correct, the district attorney's</p> <p>20 office?</p> <p>21 In relation to where we are today, where</p> <p>22 would the Beaumont DPS office be that's at 7200 Eastex</p> <p>23 Freeway, just generally speaking?</p> <p>24 A. Catch the freeway, go 10, go 69, Eastex</p> <p>25 Freeway, 69 going north, and it's all the way until you</p>	<p style="text-align: center;">157</p> <p>1 Q. Okay. That's where everybody goes for -- at 2 least for Jefferson County, to get their driver's 3 license?</p> <p>4 A. Yes.</p> <p>5 Q. And have been going there for many, many 6 years?</p> <p>7 A. Yes, sir.</p> <p>8 Q. Would it be reasonable to suspect that people 9 know the location? Even though it may be difficult to 10 get to, they know where it is; correct?</p> <p>11 A. Yes, sir.</p> <p>12 Q. And when people want to get a driver's 13 license, they go out there; right?</p> <p>14 A. That's where they go.</p> <p>15 Q. Okay. So if they want to go, they can go?</p> <p>16 MR. GEAR: Objection; form. Calls for speculation.</p> <p>17 A. Yes, sir.</p> <p>18 Q. (By Mr. Keister) You had mentioned that you 19 had heard some complaints that it's not convenient and 20 that it takes time standing in line.</p> <p>21 Has anyone made those complaints to you 22 with respect to getting the EIC specifically?</p> <p>23 A. No, because I don't know anybody that's been</p> <p>24 out there to get an EIC.</p>

<p>1 how would you describe the minority voters as -- in 2 terms of renting in Jefferson County, do you know if 3 that's a significant number? How would you describe 4 that?</p> <p>5 MR. KEISTER: Objection; form, vague.</p> <p>6 A. I'm sure it's a large number that's registered 7 voters.</p> <p>8 Q. (By Mr. Gear) So if I understood your 9 testimony, you are sure that there's a large number of 10 registered minority voters that do not -- that rent in 11 Jefferson County?</p> <p>12 A. That is correct.</p> <p>13 Q. And is it fair to say that they would not have 14 received a property tax statement and the notice that 15 was sent out by the county?</p> <p>16 A. That is correct, sir.</p> <p>17 MR. GEAR: I don't think I have any 18 further questions.</p> <p>19 FURTHER EXAMINATION</p> <p>20 BY MS. SIMSON:</p> <p>21 Q. I have a few quick questions. Is it possible 22 that if a voter shows up at the polls and is offered a 23 provisional ballot because they lack identification, 24 that the voter may decline to cast a provisional ballot 25 because they don't think they can make it back to the</p>	<p>170</p> <p>1 days in advance, does that mean a voter who votes by 2 mail may not be able to wait until a campaign is done 3 or, you know, until election day to decide who they want 4 to vote for?</p> <p>5 A. Until election day?</p> <p>6 Q. Correct.</p> <p>7 A. Unless they send it by a private carrier, I 8 mean, you can have somebody to -- a carrier to deliver 9 it that same day's delivery.</p> <p>10 Q. Okay. And are there people over the age of 65 11 that you know prefer to vote in person instead of by 12 mail?</p> <p>13 A. Absolutely. We have some people that will not 14 vote early, and they insist on going on election day to 15 cast their ballot.</p> <p>16 Q. And why do you think that is?</p> <p>17 A. Just the way they have always been. It's just 18 their belief. They want to cast that ballot on election 19 day at their polling location.</p> <p>20 Q. And does the county clerk's -- I believe your 21 testimony earlier was that the county clerk's office 22 does not have the authority to issue any S.B. 14 23 approved IDs; is that correct?</p> <p>24 A. No, we do not.</p> <p>25 Q. And so would you expect a person to contact</p>
<p>1 voter registrar's office in six days?</p> <p>2 A. Yes.</p> <p>3 Q. So it's possible that a voter would show up 4 without an ID, and there wouldn't be a record of that?</p> <p>5 A. That's true.</p> <p>6 Q. On voting by mail, how far in advance of an 7 election does a voter have to submit a ballot?</p> <p>8 A. An application or a ballot?</p> <p>9 Q. The ballot itself.</p> <p>10 A. To return it?</p> <p>11 Q. Yes.</p> <p>12 A. They have until election day.</p> <p>13 Q. They can postmark it?</p> <p>14 A. No, we have to receive it on the election day.</p> <p>15 We go to the post office all the way to the post office 16 close time.</p> <p>17 Q. They have to put it in the mail at least a few 18 days in?</p> <p>19 A. Or send it by carrier and have it delivered to 20 our office at least by 5:00 p.m.</p> <p>21 Q. Okay. And does that mean if you vote by mail, 22 you may have to vote before a campaign finishes on 23 election day? I can rephrase that question.</p> <p>24 A. Yeah, okay.</p> <p>25 Q. If you have to put it in the mail a couple of</p>	<p>171</p> <p>173</p> <p>1 your office if they needed a driver's license, a 2 personal ID, or an EIC?</p> <p>3 A. No, I would not.</p> <p>4 Q. Okay. Earlier, you talked with Mr. Keister 5 about individuals who had shown up to the polls to vote, 6 but they cast their ballots by mail earlier.</p> <p>7 A. Right.</p> <p>8 Q. Would S.B. 14 have prevented any of those 9 individuals from casting an illegal ballot?</p> <p>10 A. No. I mean, that happens all the time.</p> <p>11 Q. And it was your system that looked them up and 12 found that they had cast earlier ballots that stopped 13 them from voting?</p> <p>14 A. Right.</p> <p>15 Q. Did you -- you mentioned two individuals who 16 cast provisional ballots in March 2014 because of 17 expired IDs. Did either of those individuals contact 18 your office to complain?</p> <p>19 A. No, they did not.</p> <p>20 Q. Before S.B. 14, what were generally the ID 21 requirements to vote?</p> <p>22 A. Your voter registration, any form of an ID 23 issued from DPS, your student ID. You could have used a 24 utility bill, you know. We had about nine or ten 25 different forms of ID that you could have used.</p>

<p style="text-align: right;">174</p> <p>1 Q. And based on your experience as a county clerk 2 administering elections, did you think those 3 requirements were sufficient to secure the voting 4 requirements?</p> <p>5 A. They were sufficient.</p> <p>6 MS. SIMSON: And I think that's all my 7 questions. Thanks again.</p> <p>8 FURTHER EXAMINATION</p> <p>9 BY MR. KEISTER:</p> <p>10 Q. Ms. Guidry, did any of your poll workers 11 report to you that there were voters showing up and 12 turning down those provisional ballots because they 13 didn't have an ID?</p> <p>14 A. No.</p> <p>15 Q. Okay. During any of the five elections that's 16 occurred, have any of your poll workers reported to you 17 during any of those elections people were showing up and 18 refusing a provisional ballot when they did not have an 19 ID?</p> <p>20 A. No.</p> <p>21 Q. Okay. With respect to voting by mail and 22 having to -- or possibly having to complete your vote 23 before the campaigns had ended, isn't that scenario also 24 true with early voting, if people chose to vote early, 25 they vote prior to the end of the campaign?</p>	<p>1 as saying does the county track the number of people who 2 don't go to the polls and vote because they decided they 3 wanted to go fishing? Wouldn't that be about the same 4 type of analysis?</p> <p>5 A. I guess so.</p> <p>6 Q. Okay. If people don't vote, or don't go to 7 the poll, you can't -- or anybody else can't say why 8 they didn't go; correct?</p> <p>9 A. Right.</p> <p>10 Q. Other than asking that person specifically, 11 "Why didn't you go vote"; correct?</p> <p>12 A. Right.</p> <p>13 MS. SIMSON: Okay. Thank you. (Guidry Deposition Exhibit No. 2 was 14 marked and is made a part of this deposition.)</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
<p style="text-align: right;">175</p> <p>1 A. Yes.</p> <p>2 Q. And isn't it true that it's simply a matter of 3 convenience for some people to make that choice to vote 4 early?</p> <p>5 A. Yes.</p> <p>6 Q. Or to have the -- everybody can vote early; 7 correct?</p> <p>8 A. Right.</p> <p>9 Q. But only a limited number of people can vote 10 by mail; correct?</p> <p>11 A. Right.</p> <p>12 Q. But those people who vote by mail also can 13 make that -- have the opportunity to make that 14 determination if they want to do it by mail, or get the 15 ID and vote in person; correct?</p> <p>16 A. Right.</p> <p>17 Q. Okay. With respect to tracking persons who do 18 not go to the polls to vote because they do not have an 19 acceptable form of S.B. 14 ID, is there any possible way 20 the county or anyone else could track information like 21 that? And I'm referring to the question Mr. Gear asked 22 you a few minutes ago.</p> <p>23 A. No, not other than making a list if they were 24 there.</p> <p>25 Q. Right. And, I mean, wouldn't that be the same</p>	<p style="text-align: right;">177</p> <p>1 CHANGES AND SIGNATURE FOR THE DEPOSITION OF CAROLYN GUIDRY 2 JULY 24, 2014 3 PAGE LINE CHANGE REASON 4 _____ 5 _____ 6 _____ 7 _____ 8 _____ 9 _____ 10 _____ 11 _____ 12 _____ 13 _____ 14 _____ 15 _____ 16 _____ 17 _____ 18 _____ 19 _____ 20 _____ 21 _____ 22 _____ 23 _____ 24 _____ 25 _____</p>

REPRESENTATIVE PATRICIA HARLESS
HIGHLY CONFIDENTIAL

6/20/2014

1 (Pages 1 to 4)

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE SOUTHERN DISTRICT OF TEXAS
3 CORPUS CHRISTI DIVISION
4 MARC VEASEY, et al.,)
5 Plaintiffs,)
6 v.) Civil Action
7) No. 2:13-cv-193(NGR)
8 RICK PERRY, et al.,)
9 Defendants.)
10 _____)
11 UNITED STATES OF AMERICA,)
12 Plaintiff,)
13)
14 TEXAS LEAGUE OF YOUNG)
15 VOTERS EDUCATION FUND,)
16 et al.,)
17 Plaintiff-) Civil Action
18 Intervenors,) No. 2:13-cv-263(NGR)
19)
20 TEXAS ASSOCIATION OF)
21 HISPANIC COUNTY JUDGES AND)
22 COUNTY COMMISSIONERS,)
23 et al.,)
24 Plaintiff-)
25 Intervenors,)
26)
27 v.)
28)
29 STATE OF TEXAS, et al.,)
30 Defendants.)
31 _____)
32)
33 <<<<<HIGHLY CONFIDENTIAL>>>>>
34 *****
35 ORAL DEPOSITION OF
36 REPRESENTATIVE PATRICIA HARLESS

APPEARANCES

1 ORAL DEPOSITION of REPRESENTATIVE PATRICIA
2 HARLESS, produced as a witness at the instance of the
3 Texas State Conference of NAACP Branches, Mexican
4 American Legislative Caucus of the Texas House of
5 Representatives, and duly sworn, was taken in the
6 above-styled and numbered cause on June 20, 2014, from
7 9:13 a.m. to 1:27 p.m., before Denye M. Sanders, CSR,
8 RPR, CRR, TCRR, in and for the State of Texas,
9 recorded by machine shorthand, at the Attorney
10 General's Office, 808 Travis Street, Suite 1520,
11 Houston, Texas, pursuant to the Federal Rules of Civil
12 Procedure and the provisions stated on the record or
13 attached hereto; signature having been waived.

1 FOR THE DEFENDANTS RICK PERRY, STATE OF TEXAS, NANDITA
2 BERRY, AND THE DEPARTMENT OF PUBLIC SAFETY:
3
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<p style="text-align: center;">17</p> <p>1 with you the idea of your being the sponsor of SB 14 2 in the House?</p> <p>3 A. I don't remember. I know I filed a bill 4 similar to SB 14.</p> <p>5 MR. KEISTER: Can I ask you a question 6 before we get going?</p> <p>7 MR. ROSENBERG: Sure.</p> <p>8 MR. KEISTER: Are we doing this on a 9 question-by-question basis on the legislative 10 privilege, or are we doing a block of sealed 11 information?</p> <p>12 MR. ROSENBERG: If she is willing to 13 testify while asserting the privilege -- I think we 14 have to actually have the -- an understanding as to 15 when the privilege is asserted.</p> <p>16 MR. KEISTER: Right. Yeah.</p> <p>17 MR. ROSENBERG: But I'd love to be able 18 to streamline this in some way.</p> <p>19 MR. KEISTER: I understand.</p> <p>20 MR. ROSENBERG: So that we don't have to 21 go through it each time.</p> <p>22 MR. KEISTER: And that was my concern, 23 Rosemarie, if we're going to have to do a question-by- 24 question or if there can be a block, because I don't 25 want you asserting the last question but now he's</p>	<p style="text-align: center;">19</p> <p>1 MS. DONNELLY: Switch. 2 MR. KEISTER: -- are switching from 3 legislative privilege to non? How are we going to 4 designate that?</p> <p>5 MR. FREEMAN: I mean, I think it's 6 necessary that we have an understanding of when the 7 objection -- the running objection ceases, because 8 obviously not the entire thing is --</p> <p>9 MS. DONNELLY: Well, why don't we run 10 the objection, and then we can decide when the 11 objection is no longer running? How's that?</p> <p>12 MR. ROSENBERG: We can try that.</p> <p>13 MR. FREEMAN: That's absolutely fine.</p> <p>14 Q. (BY MR. ROSENBERG) I think the question was: 15 Did there come a time when you became the sponsor of 16 SB 14 on the House floor?</p> <p>17 A. Yes.</p> <p>18 Q. And can you tell me, if you recall, what the 19 circumstances were that led to your becoming the 20 sponsor of SB 14 on the House floor.</p> <p>21 MS. DONNELLY: Here we're going to start 22 a running objection that this line of questioning will 23 be covered by the legislative privilege. Your answers 24 will be under seal. Until we, at such time, say the 25 running objection is no longer applied, your answers</p>
<p style="text-align: center;">18</p> <p>1 asking another question.</p> <p>2 MS. DONNELLY: Yeah, if you will agree 3 to a running objection on this line of questioning 4 regarding SB 14, and then I don't have to keep 5 interrupting you.</p> <p>6 MR. ROSENBERG: You know, if she's 7 then -- willing to testify under seal; but if there's 8 something she's not saying and not testifying to, then 9 we have to know that.</p> <p>10 MS. DONNELLY: Yeah.</p> <p>11 MR. ROSENBERG: So I think then we can 12 do it that way.</p> <p>13 MS. DONNELLY: And I will be instructing 14 the witness not to answer questions regarding 15 conversations, communications with other legislators.</p> <p>16 THE WITNESS: Yes, ma'am.</p> <p>17 MS. DONNELLY: With that exception, your 18 answer will be under seal as we are talking about 19 SB 14.</p> <p>20 Is that clear enough?</p> <p>21 MR. ROSENBERG: That works for me.</p> <p>22 Mr. Freeman?</p> <p>23 MR. KEISTER: But I guess my question 24 is, does there become a cutoff point where we 25 suddenly --</p>	<p style="text-align: center;">20</p> <p>1 will be under seal. Please do not reveal 2 communications with other legislature [sic], and then 3 we can carry on.</p> <p>4 A. I don't recall.</p> <p>5 Q. (BY MR. ROSENBERG) Are you aware that there 6 was a Select Committee on Voter Identification that 7 was composed in the House?</p> <p>8 A. I vaguely remember that.</p> <p>9 Q. Were you on the committee?</p> <p>10 A. I -- I do remember that.</p> <p>11 Q. Were you involved in the formation of that 12 committee?</p> <p>13 A. No, sir.</p> <p>14 Q. Who was involved in the formation of that 15 committee?</p> <p>16 A. I don't know.</p> <p>17 Q. Were you involved in discussions as to the 18 composition of that committee?</p> <p>19 A. No.</p> <p>20 Q. Was SB 14 considered an important piece of 21 legislation by you?</p> <p>22 A. All my legislation I consider to be 23 important.</p> <p>24 Q. So you do not consider SB 14 to be more or 25 less important than any other piece of legislation?</p>

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6 (Pages 21 to 24)

<p style="text-align: right;">21</p> <p>1 A. I think all my legislation is important.</p> <p>2 Q. Are they all of equal importance?</p> <p>3 A. To someone.</p> <p>4 Q. To you?</p> <p>5 MS. DONNELLY: You don't have to change</p> <p>6 your answer just because he keeps asking.</p> <p>7 A. Yeah, they're all equally important.</p> <p>8 Q. (BY MR. ROSENBERG) Was SB 14 given emergency</p> <p>9 legislation treatment?</p> <p>10 A. I think the governor put it on the emergency</p> <p>11 call, but I -- I can't remember for sure. I think he</p> <p>12 did. I think we had some emergency.</p> <p>13 Q. Do you -- I'm sorry, were you finished with</p> <p>14 your answer?</p> <p>15 A. Yeah. I -- you probably know more than I do,</p> <p>16 because I've gone through another session since then.</p> <p>17 Q. I've had a couple years since then, too.</p> <p>18 Do you have an understanding as to why the</p> <p>19 governor declared it an emergency piece of</p> <p>20 legislation?</p> <p>21 A. I don't.</p> <p>22 MR. KEISTER: Object to the form.</p> <p>23 Q. (BY MR. ROSENBERG) Did you consider there to</p> <p>24 be an emergent need for SB 14?</p> <p>25 A. That's not my call.</p>	<p style="text-align: right;">23</p> <p>1 MS. DONNELLY: You can answer.</p> <p>2 A. No.</p> <p>3 Q. (BY MR. ROSENBERG) How about with Speaker</p> <p>4 Straus?</p> <p>5 A. Possibly. I don't remember.</p> <p>6 Q. How about with Senator Fraser?</p> <p>7 A. Probably.</p> <p>8 Q. Do you remember how many conversations you</p> <p>9 had with Senator Fraser about SB 14?</p> <p>10 A. I don't.</p> <p>11 Q. Do you remember the substance of any of the</p> <p>12 conversations that you had with Senator Fraser?</p> <p>13 A. Just about carrying the legislation in the</p> <p>14 House, picking it up.</p> <p>15 Q. Anything beyond that?</p> <p>16 A. I don't remember.</p> <p>17 Q. During the time that you were dealing with --</p> <p>18 or leading up to the enactment of SB 14, were you</p> <p>19 concerned about voter fraud in Texas?</p> <p>20 A. I don't remember.</p> <p>21 Q. Were you concerned about voter fraud dealing</p> <p>22 with absentee ballots in Texas?</p> <p>23 A. I don't recall.</p> <p>24 Q. Were you concerned about in-person voter</p> <p>25 fraud in Texas?</p>
<p style="text-align: right;">22</p> <p>1 Q. Well, whether it's your call or not, did you</p> <p>2 consider it to be an -- there to be an emergent need</p> <p>3 for that legislation?</p> <p>4 A. I don't. I don't get into what's an</p> <p>5 emergency in the state or not.</p> <p>6 Q. Did you have any discussions with anyone in</p> <p>7 the governor's office, including Governor Perry, at</p> <p>8 the time that you were dealing with SB 14?</p> <p>9 A. Not that I remember.</p> <p>10 Q. Did you have any discussions with Lieutenant</p> <p>11 Governor Dewhurst during this time?</p> <p>12 MS. DONNELLY: Don't get into that.</p> <p>13 That's privileged.</p> <p>14 MR. ROSENBERG: The substance of the</p> <p>15 discussion may be privileged, but whether she had a</p> <p>16 discussion is not privileged.</p> <p>17 MS. DONNELLY: Well, but then --</p> <p>18 MR. ROSENBERG: We can't even build,</p> <p>19 then, a foundation for challenging the privilege if we</p> <p>20 don't know whether a discussion occurred or not.</p> <p>21 MS. DONNELLY: Yeah, but that's a</p> <p>22 slippery slope. Did you have a conversation with</p> <p>23 Lieutenant Governor Dewhurst about X?</p> <p>24 MR. ROSENBERG: Well, the X is pretty</p> <p>25 broad. SB 14.</p>	<p style="text-align: right;">24</p> <p>1 A. I would say yes, or I would not have filed</p> <p>2 the legislation.</p> <p>3 Q. Do you recall what the basis was for your</p> <p>4 concern about in-person voter fraud in Texas?</p> <p>5 MS. DONNELLY: We're still under the</p> <p>6 running objection, so feel free.</p> <p>7 MR. ROSENBERG: Understood.</p> <p>8 A. No. I'm sorry.</p> <p>9 Q. (BY MR. ROSENBERG) Were you concerned during</p> <p>10 this time with noncitizens voting in Texas?</p> <p>11 A. No.</p> <p>12 Q. Did you have any discussion with any outside</p> <p>13 groups -- "outside groups" meaning not legislators --</p> <p>14 concerning voter identification during this time?</p> <p>15 A. Not that I recall.</p> <p>16 Q. Do you recall whether you had any discussions</p> <p>17 with people from the King Street Patriots?</p> <p>18 A. I don't remember.</p> <p>19 Q. Do you recall whether you had any discussion</p> <p>20 with people from True the Vote?</p> <p>21 A. I don't remember.</p> <p>22 Q. Do you recall if you had any discussions with</p> <p>23 people from the Texas Tea Party, either the women's</p> <p>24 tea party or general tea party, if there's a</p> <p>25 difference?</p>

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<p style="text-align: right;">25</p> <p>1 A. I don't recall. 2 Q. Do you recall whether there were discussions 3 with constituents during this time concerning voter 4 ID? 5 A. The time? What time? 6 Q. During the time leading up to the enactment 7 of SB 14. 8 A. After filing the legislation or prior to 9 filing it? 10 Q. Either prior to or after filing it. 11 A. Yes, I'd had constituents come to me in the 12 past talking about the integrity of the elections. 13 Q. Which constituents? 14 A. I can't tell you. I don't remember. 15 Q. What -- how many such conversations did you 16 have? 17 A. I don't remember. 18 Q. When did those discussions occur? 19 A. I don't remember. 20 Q. What was the substance of the conversations? 21 A. Typically, at a town hall meeting, talking 22 about why don't we have photo identification for 23 in-person voting. 24 Q. And how many such conversations did you have? 25 A. I don't remember.</p>	<p style="text-align: right;">27</p> <p>1 SB -- that you were handling SB 14, believe that there 2 would be a very, very small universe of people who 3 would not have the identification required by SB 14? 4 A. I don't remember what I believed then. 5 Q. Sitting here today, do you believe that there 6 is a very, very small universe of people who do not 7 have the photo ID? 8 MS. DONNELLY: Objection. Form. 9 A. I believe that in today's environment in 10 Texas it's difficult to do anything without a photo 11 ID. 12 Q. (BY MR. ROSENBERG) So you believe that 13 there's a very, very small universe of people who do 14 not have -- 15 A. I don't know. 16 Q. Do you recall whether the Brennan Center 17 submitted a report to the legislature in connection 18 with the consideration of SB 14? 19 A. I remember the name, the Brennan Center, but 20 I don't remember if there was a report submitted, if 21 they testified in committee or why I remember the 22 name, but I remember the name. 23 Q. Do you recall whether you relied on the 24 Brennan Center's report in connection with your views 25 on SB 14?</p>
<p style="text-align: right;">26</p> <p>1 Q. More than two? 2 A. Probably. I give about five speeches a week 3 during the interim. 4 Q. At every speech did this come up? 5 A. No. Probably not. 6 Q. More than five conversations? 7 A. It would -- it would be a guess. I don't 8 know. 9 Q. Do you recall whether you had any input from 10 lobbying groups that affected the drafting of SB 14? 11 A. Not that I recall. 12 Q. Is there anyone in your staff who would know 13 the answer better than you? 14 A. My staff has a lot of communications I'm not 15 aware of, so they may. 16 Q. Do you recall testifying that you thought 17 that there would be a, quote, "very, very small 18 universe," end quote, of people who did not have 19 the -- the photo ID required by SB 14? 20 MS. DONNELLY: Objection. 21 Do you have a document? 22 MR. ROSENBERG: I'm just first asking 23 her if she recalls. 24 A. I don't. 25 Q. (BY MR. ROSENBERG) Did you, at the time that</p>	<p style="text-align: right;">28</p> <p>1 A. I don't remember. 2 Q. Were you aware that minority legislatures 3 [sic] and minority groups spoke out against SB 14? 4 MS. DONNELLY: Objection. Form. 5 A. I know there was hours of testimony and hours 6 of debate on the House floor. 7 Q. (BY MR. ROSENBERG) And do you recall that 8 African-American legislators and Latino legislators 9 spoke out against SB 14? 10 MS. DONNELLY: Objection. Form. 11 A. I recall hours of debate on the House floor 12 with legislative members and colleagues and in 13 committee. 14 Q. (BY MR. ROSENBERG) And in the course of those 15 legislative debates that you remember, do you remember 16 that there were several African-American legislators 17 and Hispanic legislators that spoke out against SB 14? 18 A. The only ones that come to mind that I 19 remember -- so I can't say several -- are Marc Veasey 20 and Rafael Anchia. 21 Q. Do you remember that there were African- 22 American groups and Hispanic groups that also spoke 23 out against SB 14 before the legislature? 24 MS. DONNELLY: Objection. Form. 25 You can answer.</p>

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<p style="text-align: right;">29</p> <p>1 A. I don't remember.</p> <p>2 Q. (BY MR. ROSENBERG) Are you aware of -- do you</p> <p>3 have a memory of the assertions that were made by</p> <p>4 Senator Veasey and Representative Anchia in connection</p> <p>5 with the possible impact of SB 14 on the ability of</p> <p>6 African-Americans and Hispanics to vote?</p> <p>7 A. I don't remember.</p> <p>8 Q. Do you remember whether anyone, in connection</p> <p>9 with the legislature's consideration of SB 14,</p> <p>10 indicated that it would impact adversely African-</p> <p>11 Americans and Hispanics voting?</p> <p>12 MS. DONNELLY: Objection. Form.</p> <p>13 A. I remember there were hours of debate.</p> <p>14 Q. (BY MR. ROSENBERG) I understand you remember</p> <p>15 there were hours of debate.</p> <p>16 A. I don't remember the substance of the debate.</p> <p>17 Q. At any time during your support of SB 14,</p> <p>18 leading up to the passage of SB 14, did you undertake</p> <p>19 an analysis of whether any groups of people would be</p> <p>20 more or less likely to possess the identifications</p> <p>21 that were listed in the bill?</p> <p>22 MS. DONNELLY: Since we're shifting, I</p> <p>23 just want to make sure that the running objection that</p> <p>24 we talked about earlier is still running. Is that</p> <p>25 right?</p>	<p style="text-align: right;">31</p> <p>1 Q. (BY MR. ROSENBERG) Do you recall whether you</p> <p>2 had any information as to how many individuals had or</p> <p>3 did not have the various forms of photo identification</p> <p>4 listed in SB 14?</p> <p>5 A. If I had information?</p> <p>6 Q. Yes.</p> <p>7 A. I know we had testimony in committee about</p> <p>8 what the Secretary of State or one of the agencies</p> <p>9 thought that number may be. But I -- I don't remember</p> <p>10 the specifics of that and which agency that was.</p> <p>11 Q. During the same period of time did you have</p> <p>12 any information as to the racial composition of the</p> <p>13 people who may or may not have the IDs listed in</p> <p>14 SB 14?</p> <p>15 A. I don't recall that.</p> <p>16 Q. During this time did you consider it</p> <p>17 important as to whether racial -- different racial or</p> <p>18 ethnic groups of people were more or less likely to</p> <p>19 possess any of the identifications listed in SB 14?</p> <p>20 A. I think it's important to protect the</p> <p>21 election process for all Texans.</p> <p>22 Q. And -- and did you specifically think it was</p> <p>23 important as to whether or not there would be an</p> <p>24 impact on African-Americans or Hispanics as a result</p> <p>25 of SB 14?</p>
<p style="text-align: right;">30</p> <p>1 MR. ROSENBERG: Understood.</p> <p>2 MS. DONNELLY: Thank you.</p> <p>3 A. One more time?</p> <p>4 Q. (BY MR. ROSENBERG) Sure.</p> <p>5 At any time during the time leading up to the</p> <p>6 enactment of SB 14 did you undertake an analysis of</p> <p>7 whether certain groups of people would be more or less</p> <p>8 likely to possess any of the forms of identification</p> <p>9 listed in SB 14?</p> <p>10 A. I don't remember what we did.</p> <p>11 Q. Do you know if you had any -- do you remember</p> <p>12 whether you had any information as to whether certain</p> <p>13 groups of people would be more or less likely to</p> <p>14 possess certain of the identification of -- listed in</p> <p>15 SB 14?</p> <p>16 A. I don't remember.</p> <p>17 Q. During that same period of time were you</p> <p>18 aware whether any legislator undertook an analysis of</p> <p>19 whether certain groups of people would be more or less</p> <p>20 likely to possess the identification under SB 14?</p> <p>21 MS. DONNELLY: I'm going to inject</p> <p>22 there, that, please do not reveal your knowledge of</p> <p>23 what any other legislator did unless it's in the</p> <p>24 public record.</p> <p>25 A. I do not remember.</p>	<p style="text-align: right;">32</p> <p>1 MS. DONNELLY: Objection. Form.</p> <p>2 A. I -- I don't remember what all we looked at.</p> <p>3 Q. (BY MR. ROSENBERG) Whether or not you</p> <p>4 remember what you looked at, did you think it was</p> <p>5 important?</p> <p>6 A. I know that we were making sure that it was</p> <p>7 protecting the integrity of the election for everyone.</p> <p>8 (Off the record.)</p> <p>9 Q. (BY MR. ROSENBERG) Representative Harless,</p> <p>10 are you aware that during the legislative debates over</p> <p>11 SB 14 opponents of the bill indicated that there would</p> <p>12 be certain burdens on people who did not have the</p> <p>13 forms of identification listed in SB 14 to get those</p> <p>14 identifications?</p> <p>15 A. I remember there were hours of debate. I</p> <p>16 don't remember the content.</p> <p>17 Q. Sitting here, you don't remember that anyone</p> <p>18 said that it would be difficult for people to, for</p> <p>19 example, drive perhaps an hour or more to a motor</p> <p>20 vehicle facility?</p> <p>21 A. I know there were hours of debate. I don't</p> <p>22 remember specifically what the content of the debate</p> <p>23 was.</p> <p>24 Q. Are you aware that during the debate</p> <p>25 opponents of SB 14 asserted that the burden of getting</p>

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<p>33</p> <p>1 the forms of identification that are listed in SB 14 2 would fall most heavily on African-Americans and 3 Hispanics? 4 MS. DONNELLY: I'm going to object 5 there. 6 Please do not discuss any communications 7 with other legislators or information you learned from 8 other legislators that is not in the public record. 9 A. I do not remember. 10 Q. (BY MR. ROSENBERG) And you do not remember 11 because you're asserting privilege or you just don't 12 remember? 13 A. I just don't remember. I know you've lived 14 this; but when I finish a bill, I finish a bill and I 15 move on, and I've had another session with other 16 bills, and I have limited memory space. 17 Q. Well, that's -- let me -- that actually leads 18 me to something else. 19 You're aware that SB 14 is now the law? 20 A. Yes. 21 Q. Have you been following implementation of 22 SB 14? 23 A. No, sir. 24 Q. Do you have an interest in wanting to make 25 sure that it's implemented correctly?</p>	<p>35</p> <p>1 send it out to all of your constituents? 2 A. We sent it out by our e-mail blast of people 3 that have signed up, and we do every time there's an 4 election. 5 Q. So to whom would this -- I guess I'm 6 interested in who this -- who's on this database of 7 your constituents? 8 A. Anyone who's ever called, written, or come to 9 my office for any type of assistance since I've been 10 elected. Their e-mail addresses, if they have one, is 11 collected, and they're added to our e-mail database, 12 and we send out information relevant to the district. 13 It's nonpartisan. It's state-related business. 14 Q. And would that also go to contributors? 15 A. No. 16 Q. So -- 17 A. Let me rephrase that. 18 There could be contributors that have 19 contacted our office that are on the list, but this is 20 a constituent-driven list. 21 Q. Do you know how many people are on that list? 22 A. I don't. 23 Q. Does the phrase "legislative purpose" have 24 any meaning to you? 25 A. No, sir.</p>
<p>34</p> <p>1 A. I've noticed they've done the training. 2 After I pass the legislation, it's up to the agencies 3 to do the implementation. I have no control over 4 that. 5 Q. Are you aware of any problems with its 6 implementation? 7 A. Not that I've heard of. 8 Q. Have you heard any complaints from any voters 9 or constituents as to its implementation? 10 A. Not in my district. 11 Q. Do you have an understanding as to whether 12 its implementation has led to a decrease in voter 13 fraud? 14 A. I haven't -- I don't know. 15 Q. Did you or your staff take any steps to help 16 implement SB 14? 17 A. I did not. 18 MS. DONNELLY: Objection. Form. 19 Go ahead. 20 A. I did not. 21 Q. (BY MR. ROSENBERG) Did you try to get out the 22 word as to SB 14? 23 A. We sent out e-mails to our constituents about 24 the requirements, several of them. 25 Q. When you said to your "constituents," did you</p>	<p>36</p> <p>1 Q. Does the phrase "legislative intent" have any 2 meaning to you? 3 A. Yes, sir. 4 Q. What's that mean? 5 A. It means what the intent of the legislation 6 was, what was argued for the intent. 7 Q. And when you say "what was argued for the 8 intent," what -- what are you referring to? 9 A. Or testified in committee on the floor. 10 Q. Are you limiting yourself to the public 11 record? 12 A. Yes. 13 Q. Can a legislative intent be based on things 14 outside the public record? 15 A. I don't know. 16 Q. Do you understand what the word 17 "discriminatory" means? 18 A. Yes. 19 Q. What's your understanding? 20 A. One person or thing not treated equal to the 21 same as another person or thing. 22 Q. Can a law have a discriminatory intent even 23 if that's not stated on the public record? 24 MR. KEISTER: Object to form. 25 A. I -- I don't know.</p>

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10 (Pages 37 to 40)

<p style="text-align: center;">37</p> <p>1 Q. (BY MR. ROSENBERG) Do you think it's 2 possible? 3 MR. KEISTER: Object to form. 4 A. I don't know. 5 Q. (BY MR. ROSENBERG) Is it your understanding 6 that there's only one intent behind the legislation? 7 A. The stated intent. 8 Q. Can there be unstated intent? 9 MR. KEISTER: Object to form. 10 A. I don't know. 11 MR. ROSENBERG: Why don't we take a 12 break. I think I'm going to go into some documents 13 now. 14 MS. DONNELLY: Okay. The running 15 objection is still running; is that right? 16 MR. ROSENBERG: Well, you know what, 17 we'll -- sure. But let's see what questions I ask 18 when we start again. 19 MS. DONNELLY: Okay. 20 MR. ROSENBERG: We might decide to -- 21 MS. DONNELLY: Since the running 22 objection was agreed upon, it has, at least to this 23 point, been running; is that right? 24 MR. ROSENBERG: Right. 25 MS. DONNELLY: And when we come back on</p>	<p style="text-align: center;">39</p> <p>1 910. And you see where Representative Anchia asks, "I 2 wanted to ask you a couple questions about SB 14 and 3 voter impersonation. You alluded to the fact that 4 this bill deals with one specific type of voter fraud, 5 correct?" 6 And the answer that is recorded: "Yes, 7 potential voter fraud." 8 Do you see that? 9 A. Yes, I see it. 10 Q. And the colloquy goes on, Anchia says: "And 11 that's voter impersonation?" 12 You answer "Yes." 13 And Anchia says: "And how does -- describe 14 how voter impersonation works." 15 And you say: "Someone shows up to the poll 16 with a voter registration card that may not be theirs 17 and passes a vote with that card." 18 And he then asks: "How often does that 19 happen in the State of Texas, do you think?" 20 And you answer: "I'm not advised." 21 Do you see that? 22 A. Yes, sir. 23 Q. And what -- what did you mean by "I'm not 24 advised"?" 25 MS. DONNELLY: I'm going to assert the</p>
<p style="text-align: center;">38</p> <p>1 the record, we can talk about it some more. 2 MR. ROSENBERG: Absolutely. No problem. 3 MS. DONNELLY: Very good. 4 (Break.) 5 (Harless Exhibit 163 marked/introduced.) 6 Q. (BY MR. ROSENBERG) Representative Harless, 7 I'll show you what's been premarked as Exhibit 163. 8 And ask you if you can identify this document 9 for the record. 10 A. It looks like the House Journal from March 11 21, 2011. 12 Q. And have you ever seen this document before? 13 A. Not that I recall. I may have. I don't 14 know. 15 Q. And do you know, looking at this document, 16 what proceedings this document records? 17 A. It's the House Journal from March 21st, the 18 events that happened on the House floor on the 21st -- 19 of 2011. 20 Q. And looking through this document, as you 21 certainly can if you wish, does this document deal 22 with legislative consideration of SB 14? 23 A. It looks like, on page 910, it's the second 24 reading of S -- committee substitute SB 14. 25 Q. I'd like to direct your attention to page</p>	<p style="text-align: center;">40</p> <p>1 legislative privilege. 2 And subject to that objection, you can 3 answer under seal. 4 Do you want to continue a running 5 objection, Counsel? 6 MR. ROSENBERG: Yes. 7 MS. DONNELLY: Okay. So we are back on 8 a running objection, and the running objection will 9 run until the parties agree that it is no longer 10 running. 11 Is that an agreement with all counsel? 12 MR. ROSENBERG: That's the agreement, 13 yes. 14 MR. FREEMAN: Yes. 15 A. I'm not exactly sure what -- what all was 16 going on there, but typically, when I say I'm not 17 advised, meaning nobody has come up to me and given me 18 all that information. 19 Q. (BY MR. ROSENBERG) Was it a surprise to you 20 that this question would be asked in consideration of 21 SB 14? 22 A. I -- I don't know. 23 Q. Did you try to gather this information as -- 24 as to -- any information as to this issue after this 25 debate?</p>

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12 (Pages 45 to 48)

<p style="text-align: center;">45</p> <p>1 A. Say that one more time. 2 Q. (BY MR. ROSENBERG) Sure. 3 Sitting here today, do you have an 4 understanding as to the extent of in-person voter 5 fraud in Texas at the time SB 14 was enacted? 6 A. I don't recall. 7 Q. Do you have an understanding as to whether or 8 not it was more or less of a problem than absentee 9 ballot fraud? 10 MS. DONNELLY: Objection. Form. 11 Go ahead. 12 A. I don't recall. 13 Q. (BY MR. ROSENBERG) Turning your attention to 14 page 915, Representative Anchia -- there's a -- the 15 first large paragraph, the one that begins: "Here's 16 the quandary for this body." 17 Do you see that? 18 A. Yes, sir. 19 Q. And the last sentence says: "How much money 20 is in the bill for informing Texans about the change 21 in the law?" 22 And you answered: "The fiscal note on the 23 bill is \$2,024,000"? 24 A. Yes, sir. 25 Q. Do you know whether or not that money has</p>	<p style="text-align: center;">47</p> <p>1 ANSWER: "From all the testimony that 2 we've had in committee, there was no possible way to 3 determine that." 4 Do you see that? 5 A. Yes, sir. 6 Q. (BY MR. ROSENBERG) And then further down, 7 Representative Anchia says: "But, are you aware of 8 any studies? Above and beyond the testimony?" 9 You can read what's in between that. 10 MS. DONNELLY: Yeah, take your time to 11 read between. 12 A. Okay. 13 Q. (BY MR. ROSENBERG) And in response to 14 Representative Anchia's question: "But, are you aware 15 of any studies? Above and beyond the testimony?" You 16 say: "No. Not advised." 17 Do you see that? 18 A. Yes, sir. 19 Q. Is -- can you tell me what you meant by "No. 20 Not advised". 21 A. No. 22 Q. Is it your understanding that there were no 23 studies available to determine the number of 24 minorities that lack required photo identification? 25 A. I don't remember that.</p>
<p style="text-align: center;">46</p> <p>1 been spent? 2 A. I don't. 3 Q. Do you know whether there was any legislative 4 oversight over the spending of that money? 5 A. I don't. 6 Q. Next page, on page 916, towards the middle, 7 you're quoted as saying: "It" -- and again, we're 8 talking about the bill -- "It will increase turnout of 9 all voters and education of all voters." 10 Do you see that? It's just about -- a little 11 below the halfway mark. 12 A. Yes. 13 Q. You can read the whole page if you want. 14 A. Yes. 15 Q. What is it -- do you have an understanding as 16 to your basis for stating "It will increase turnout of 17 all voters"?</p>	<p style="text-align: center;">48</p> <p>1 Q. Did you rely on any public opinion polls in 2 connection with your support of SB 14? 3 MS. DONNELLY: Since we're shifting 4 gears, I'm going to just make sure our running 5 objection is still running. 6 MR. ROSENBERG: It is. It's still 7 running. 8 MS. DONNELLY: As to all counsel. 9 A. I don't recall. 10 (Harless Exhibit 164 marked/introduced.) 11 Q. (BY MR. ROSENBERG) I'd like to show you a 12 package of documents that we've marked as Exhibit 164. 13 MS. DONNELLY: Counsel, 164 are 14 documents produced by Representative Harless's office; 15 is that correct? 16 MR. ROSENBERG: That's correct. And 17 these are, just for the record, marked "Confidential," 18 not "Highly Confidential," so this part of the 19 transcript should be -- in addition to the highly 20 confidential treatment of Representative Harless's 21 testimony about the documents, these documents 22 themselves are "Confidential" and not Highly 23 Confidential. I'm not sure exactly how that's going 24 to work, but just for the record. 25 A. Well, I think they're confidential on this,</p>

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14 (Pages 53 to 56)

<p style="text-align: right;">53</p> <p>1 Q. Let me just finish the question. 2 A. Sorry. 3 Q. -- to your e-mail account? 4 A. Yes. 5 Q. All your staff? 6 A. Yes, sir. 7 Q. And so you can't tell, looking at this, or 8 have no memory as to whether you actually wrote this 9 or a staff member wrote this; is that fair? 10 A. That's fair. 11 Q. Looking at the second paragraph in the 12 middle, it's written -- you may review this -- 13 referring to "70 percent of Texans believe that there 14 should be some form of identification for voting. You 15 may review this University of Texas poll by logging 16 onto" -- and you give a website. 17 Do you see that? 18 A. Yes, sir. 19 Q. Or it's given as a website. 20 Do you recall that poll? 21 A. Do I? 22 Q. Do you. 23 A. Do I recall what? 24 Q. That poll that you refer to. 25 A. No.</p>	<p style="text-align: right;">55</p> <p>1 A. I don't. 2 Q. Looking at the second paragraph, it's 3 written: "I'm not sure of the number nation wide 4 [sic]. In Texas during the May 29th primary, we had 5 239 dead people vote with 213 of those dead people 6 voting in person." 7 Do you see that? 8 A. Yes, sir. 9 Q. Do you recall having written that? 10 A. No, sir. 11 Q. Do you recall that subject matter of 239 dead 12 people voting with 213 of those voting in person? 13 A. No, sir. 14 Q. Do you have any idea where that information 15 came from? 16 A. No, sir. I don't remember. 17 Q. Looking at page LEG 753. 18 First, I ask you whether you've seen this 19 document before? 20 A. I don't remember. 21 Q. Do you know who Linda Simcox is? 22 A. Not that I know of. 23 Q. Looking at the second paragraph, "My staff 24 contacted the Harris County Clerk's office to look 25 into this issue. According to the County Clerk's</p>
<p style="text-align: right;">54</p> <p>1 Q. When it's written that there should be some 2 form of identification for voting, it's not being 3 suggested here that the specific forms of 4 identification set forth in SB 14 were endorsed by 5 70 percent of Texans, is it? 6 MS. DONNELLY: Objection. Form. 7 You can answer. 8 A. I don't know what the poll is or what it was 9 talking about. 10 Q. (BY MR. ROSENBERG) Are you aware of any poll 11 where the specific forms of identification set forth 12 in SB 14 were the subject of the poll? 13 A. I don't recall. 14 Q. Turning your attention to LEG 746. You'll 15 see there's a Bates stamp on the lower right-hand 16 corner. And I'll ask you to review that. And it is 17 more than a one-page document. If you want to review 18 the rest, you're welcome to. But I'm only going to 19 ask you a question about the second paragraph. 20 A. The second paragraph? 21 Q. Yeah. But first I want to ask you whether 22 you've ever seen this document before? 23 A. I'm sure I probably have, but I don't 24 remember specifically. 25 Q. Do you know who Duncan Parish is?</p>	<p style="text-align: right;">56</p> <p>1 office, they have received no complaints or had any 2 problems implementing the Voter ID law. Their poll 3 workers have been trained to check for name 4 similarities." 5 Do you see that? 6 A. Yes, sir. 7 Q. Do you recall this issue? 8 A. No, sir. 9 Q. Do you know who in your staff contacted the 10 Harris County Clerk's Office? 11 A. No, sir. 12 Q. Do you know the basis for your statement that 13 "Their poll workers have been trained to check for 14 name similarities"? 15 A. No, sir. 16 Q. Do you know what's meant by the sentence 17 "Their poll workers have been trained to check for 18 name similarities"? 19 A. No, sir. 20 (Harless Exhibit 165 marked/introduced.) 21 Q. (BY MR. ROSENBERG) I'd like to show you 22 what's been marked as Exhibit 165. 23 And ask you if you can tell me what this is. 24 A. No. 25 MS. DONNELLY: Since we've shifted to a</p>

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15 (Pages 57 to 60)

<p style="text-align: center;">57</p> <p>1 new document, I do want to make clear that the running 2 objection is still running; is that correct, Counsel?</p> <p>3 MR. ROSENBERG: That's correct. And 4 this document is a "Highly Confidential" document and 5 will be treated as such.</p> <p>6 MS. DONNELLY: Under the Court's order. 7 Thank you.</p> <p>8 MR. ROSENBERG: Yes.</p> <p>9 A. Do I know what it is?</p> <p>10 Q. (BY MR. ROSENBERG) Yes.</p> <p>11 A. No.</p> <p>12 Q. It's -- the first two words on it are "OTB 13 Resolution." In New York, that's off-track betting. 14 I don't think that's what it is here. 15 Can you tell me what it is.</p> <p>16 A. I would assume that OTB resolution, out of 17 bounds, out of the bounds.</p> <p>18 Q. Out of the bounds?</p> <p>19 A. Out-of-the-bounds resolution, maybe.</p> <p>20 Q. And what is an out-of-the-bounds resolution?</p> <p>21 A. Sometimes after conference -- when a bill 22 goes to conference committee, where there's 23 differences between the Senate and the House, you -- 24 if you think that there's something that goes out of 25 the bounds of the original purpose of that part of the</p>	<p style="text-align: center;">59</p> <p>1 Q. Can you tell me what you meant by that. 2 A. No. I don't -- I don't recall. 3 Q. By the way, was it your expectation that DPS 4 would be administering SB 14?</p> <p>5 MS. DONNELLY: Objection. Form. 6 Go ahead.</p> <p>7 A. I -- I don't recall. 8 Q. (BY MR. ROSENBERG) Was it your expectation 9 that DPS would have any discretion as to the forms of 10 identification that would be accepted by DPS for 11 purposes of issuing a driver's license?</p> <p>12 A. I don't know. 13 Q. Would it bother you if DPS had discretion to 14 decide whether or not a person should have a driver's 15 license which would be accepted as identification for 16 SB 14?</p> <p>17 A. I don't know what the duties of DPS are. 18 Q. Turning your attention to page 6962, that's 19 TX 6962, which is about the fourth page.</p> <p>20 A. Okay. 21 Q. Under "Notable Provision Kept/Modified," do 22 you see that?</p> <p>23 A. Yes, sir. 24 Q. There's a discussion about an exemption for 25 natural disasters.</p>
<p style="text-align: center;">58</p> <p>1 section of the bill or the intent of that part of the 2 section of the bill, then you should do an out-of- 3 bounds resolution. If there's something other, that 4 was added to the bill or taken away, that wasn't part 5 of the original bill.</p> <p>6 Q. And do you recall there being an out-of-the- 7 bounds resolution in connection with SB 14?</p> <p>8 A. Not until I saw this.</p> <p>9 Q. Have you ever seen this document before?</p> <p>10 A. I probably have. It looks like it was maybe 11 my comments or -- or the -- I probably have.</p> <p>12 Q. Who -- can you identify the handwriting 13 or --</p> <p>14 A. That's my handwriting. It's terrible.</p> <p>15 Q. And looking throughout the document, is 16 that -- wherever there's handwriting, is that your 17 handwriting?</p> <p>18 A. Yes. On one, two, three, four -- on the 19 first five pages, the writing is mine.</p> <p>20 Q. And looking at the first page where it said 21 "a D" -- it says: "DPS my understanding & Expectation 22 that DPS" -- I guess that means "will" -- "wl put a 23 photo on Election ID certificate."</p> <p>24 Is that a fair reading of that?</p> <p>25 A. I guess.</p>	<p style="text-align: center;">60</p> <p>1 Do you see that?</p> <p>2 A. Yes, sir.</p> <p>3 Q. And then it says, the second bullet point: 4 "Why kept in? The potential to impact a large number 5 of voters."</p> <p>6 Do you see that?</p> <p>7 A. Yes, sir.</p> <p>8 Q. Do you have an understanding as to what's 9 meant by that?</p> <p>10 A. No, sir.</p> <p>11 MS. DONNELLY: Objection. Form.</p> <p>12 Q. (BY MR. ROSENBERG) Turn to the next page, 13 6963. There's a question in bold: "Isn't bill now 14 more restrictive than Indiana's or Georgia law?"</p> <p>15 Do you see that?</p> <p>16 A. Yes.</p> <p>17 Q. Do you have an understanding as to whether 18 SB 14 was more restrictive than Indiana's or Georgia's 19 law?</p> <p>20 A. I don't recall.</p> <p>21 Q. Now, looking at the answer to the question -- 22 well, strike that.</p> <p>23 This says: "General Q & A."</p> <p>24 Do you see that?</p> <p>25 A. Yes, sir.</p>

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16 (Pages 61 to 64)

<p>1 Q. Was it your understanding that -- is it your 2 understanding that this document sets forth questions 3 that were expected to be asked on the floor and 4 suggested answers?</p> <p>5 A. I don't know.</p> <p>6 Q. Is that a process that you typically do?</p> <p>7 A. What do you mean?</p> <p>8 Q. Meaning, when you -- first of all, is this 9 the only bill you've ever been the sponsor of?</p> <p>10 A. No.</p> <p>11 Q. When you're a sponsor of the bill, do you 12 anticipate, in legislative debates, that there will be 13 certain questions asked from the floor and you 14 anticipate what the answers might be?</p> <p>15 A. This is -- this specifically is an out-of- 16 bounds resolution. This is my only out-of-bounds 17 resolution that I've done in four sessions. And after 18 you get to this point, typically you've debated the 19 bill at least three times; in committee, on the floor, 20 and then back on the floor for -- so I don't know if 21 that has to do with, because these are questions that 22 had been asked before. I don't -- I don't know 23 what -- you know, I don't know that I -- I do that all 24 the time.</p> <p>25 Q. Do you have an understanding what the purpose</p>	<p>61</p> <p>1 Q. Do you recall any differences between Indiana 2 and Georgia's law on the one hand and SB 14 on the 3 other?</p> <p>4 A. No.</p> <p>5 Q. Do you recall whether Georgia allowed expired 6 driver's licenses, for example?</p> <p>7 A. No.</p> <p>8 Q. Do you know whether SB 14 allowed expired 9 driver's licenses?</p> <p>10 A. From reading the bill last night, I think we 11 allowed ID -- expired no longer than 60 days.</p> <p>12 (Harless Exhibit 166 marked/introduced.)</p> <p>13 Q. (BY MR. ROSENBERG) I'd like to show you 14 what's been marked as 166.</p> <p>15 MS. DONNELLY: This is also "Highly 16 Confidential," Counsel?</p> <p>17 MR. ROSENBERG: It is also "Highly 18 Confidential," and I will accept your continuing 19 assertion of privilege under seal.</p> <p>20 MS. DONNELLY: Thank you.</p> <p>21 Q. (BY MR. ROSENBERG) Can you tell me what this 22 document is.</p> <p>23 A. No.</p> <p>24 Q. Do you recall if you've ever seen it before?</p> <p>25 A. It looks vaguely familiar.</p>
<p>62</p> <p>1 of this document was?</p> <p>2 A. This was to explain the out-of-bounds 3 resolution. I...</p> <p>4 Q. Was this to give you guidance on the floor?</p> <p>5 A. Yes.</p> <p>6 Q. Turning your attention back to page 6963, 7 does the paragraphs that follow the question -- do the 8 paragraphs that follow the question answer the 9 question whether the bill is more restrictive than 10 Indiana's or Georgia's?</p> <p>11 MS. DONNELLY: Take your time to read it 12 if you need to.</p> <p>13 A. Seems to.</p> <p>14 Q. (BY MR. ROSENBERG) How?</p> <p>15 A. That it's constitutional, and Indiana and 16 Georgia's laws were constitutional. I don't think any 17 legislation is the same as the next. I think there's 18 all different...</p> <p>19 Q. Well, would you agree that if, for example, 20 you have two pieces of legislation that were identical 21 in terms of the photo identification that was required 22 in each, except that one had an additional category 23 that was allowed, would you agree that one was more 24 restrictive than the other in terms of documentation?</p> <p>25 A. I -- I don't know.</p>	<p>64</p> <p>1 Q. Do you know if you wrote it?</p> <p>2 A. It's typed; and, no, I don't know if I did.</p> <p>3 Q. Turning your attention to page 7026 -- and 4 just for the record -- actually, if you would please 5 go back to 7025, and if you see -- what number does it 6 say on that page, above the Bates stamp? Does it say 7 number 3?</p> <p>8 A. Yes, sir.</p> <p>9 Q. And if you go to page 7026, do you see what 10 page number is on that?</p> <p>11 A. 5.</p> <p>12 Q. Right.</p> <p>13 Do you know where page 4 is of this document?</p> <p>14 A. I don't.</p> <p>15 Q. And similarly, if you look at 7027 and go to 16 7028, that goes from page 6 to 8, right?</p> <p>17 A. Yes, sir.</p> <p>18 Q. Do you know where page 7 is of this document?</p> <p>19 A. It was page 27023. It looks like they're out 20 of page order.</p> <p>21 Q. They're out of order. Okay. Good. I don't 22 know if we can find page 4.</p> <p>23 Okay. Let's turn back.</p> <p>24 On page 7026, which is page 5, is that 25 handwriting yours?</p>

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<p style="text-align: center;">65</p> <p>1 A. Yes.</p> <p>2 Q. You do have bad handwriting.</p> <p>3 A. I know I do. My son says I'm really smart, though.</p> <p>4 Q. The bottom paragraph: "How to get a voter ID if you live a long distance to drive to get a TDL?"</p> <p>5 And TDL, do you know what that refers to?</p> <p>6 A. Texas driver's license.</p> <p>7 Q. Right.</p> <p>8 And "15 million TDL 750,000 ID's. Very small number..."</p> <p>9 Do you know what is meant by "very small number"?</p> <p>10 A. No, sir.</p> <p>11 Q. Turning your attention to the next page, 7027, where it says: "-- plaintiffs have been unable to produce a single individual who either did not have an ID or could not easily find one."</p> <p>12 Do you know what is meant by that?</p> <p>13 A. Where is that?</p> <p>14 Q. I'm sorry, it's under the second paragraph, "Isn't this bill unconstitutional?"</p> <p>15 A. Okay.</p> <p>16 Q. "More restrictive than Indiana's Law"?</p> <p>17 A. I do not.</p>	<p style="text-align: center;">67</p> <p>1 marked as Exhibit 167 and ask you if you can identify Exhibit 167 for the record.</p> <p>2 A. House Journal for Wednesday, March 23, 2011.</p> <p>3 Q. And have you ever seen this document?</p> <p>4 A. Not that I know of.</p> <p>5 Q. And feel free to look through it.</p> <p>6 And could you tell me, after looking through it, whether it refreshes your recollection as to whether you've seen this document.</p> <p>7 A. I -- no.</p> <p>8 Q. Looking through it, does this document reflect proceedings on the House floor concerning SB 14?</p> <p>9 MS. DONNELLY: Can you point her to it?</p> <p>10 MR. ROSENBERG: Excuse me?</p> <p>11 MS. DONNELLY: Can you point her to it?</p> <p>12 MR. ROSENBERG: The whole document, actually, from page -- after those initial resolutions to -- from page 952 forward, I believe. It's even before that.</p> <p>13 A. Yes. It starts on page 951, SB 14, committee substitute SB 14 on second reading.</p> <p>14 Q. (BY MR. ROSENBERG) And were these the proceedings where amendments were offered to SB 14?</p> <p>15 A. This is the House Journal of the proceedings</p>
<p style="text-align: center;">66</p> <p>1 Q. And you don't know the basis for that statement, then?</p> <p>2 A. No, sir.</p> <p>3 Q. Turning your attention to 7037, can you tell me what that is.</p> <p>4 A. It's a floor amendment by Bonnen.</p> <p>5 Q. And do you know -- do you recall this floor amendment?</p> <p>6 A. I don't.</p> <p>7 Q. Looking at it, is it -- is it accurate to say that this was the amendment that deleted the exemption from the requirements of SB 14 for persons 70 years of age or older?</p> <p>8 A. I would need to see it in context with this --</p> <p>9 Q. Do you recall there being a provision in the bill at some time that exempted persons who are 70 years of age or older from the requirements of having to show a photo ID in order to vote in person?</p> <p>10 A. I don't remember.</p> <p>11 Q. And I assume, then, you don't remember there being an amendment that deleted that from the bill?</p> <p>12 A. I don't.</p> <p>13 (Harless Exhibit 167 marked/introduced.)</p> <p>14 Q. (BY MR. ROSENBERG) I'd like to have this</p>	<p style="text-align: center;">68</p> <p>1 of the floor on March 23rd. I'm not sure. But I guess this was when I laid out the bill, I guess.</p> <p>2 Q. Turning your attention to page 966, and 967. And we're dealing with Amendment No. 11. And if you could read that to yourself.</p> <p>3 A. 966?</p> <p>4 Q. Yeah. At the bottom, it says: "Amendment No. 11." It begins: "Representative Veasey offered the following amendment..."</p> <p>5 A. Okay.</p> <p>6 Q. Do you recall this amendment being offered?</p> <p>7 A. No, sir.</p> <p>8 Q. Do you see where it says: "Representative Harless moved to table Amendment No. 11"?</p> <p>9 A. Yes, sir.</p> <p>10 Q. And Amendment No. 11 dealt with the execution of -- an affidavit under penalty of perjury stating that the voter is the same person named on the list of registered voters --; is that correct?</p> <p>11 A. That's what it says.</p> <p>12 Q. Do you recall why you moved to table Amendment No. 11?</p> <p>13 MS. DONNELLY: And once again, we're still under the running objection?</p> <p>14 MR. ROSENBERG: Yes.</p>

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18 (Pages 69 to 72)

<p style="text-align: center;">69</p> <p>1 A. No, sir. 2 Q. (BY MR. ROSENBERG) Sitting here today, do you 3 have an understanding as to why? 4 A. No, sir. 5 Q. Turning your attention to page 969, Amendment 6 No. 15, offered by Representative Martinez, which 7 stated that: "Notwithstanding any other law, an 8 agency, institution, or political subdivision of this 9 state may not charge any fee for the issuance of any 10 document that may be used: As proof of identification 11 under this chapter; or to obtain a document that may 12 be used as proof of identification under this 13 chapter." 14 Do you see that? 15 A. Yes, sir. 16 Q. And it says that Representative Harless moved 17 to table Amendment No. 15. 18 Do you see that? 19 A. Yes, sir. 20 Q. Do you recall why you moved to table 21 Amendment No. 15? 22 A. No, sir. 23 Q. Do you -- sitting here today, do you oppose 24 Amendment No. 15? 25 A. I don't know what it means.</p>	<p style="text-align: center;">71</p> <p>1 A. No, sir. 2 Q. Amendment No. 17, on page 974, wanted to 3 insert a temporary driving permit issued to the person 4 by DPS. 5 Do you see that? 6 A. Yes, sir. 7 Q. And then it says that you moved to table 8 Amendment No. 17. 9 Do you see that? 10 A. Yes, sir. 11 Q. Do you recall why you moved to table it? 12 A. No, sir. 13 Q. Sitting here today, do you understand what 14 Amendment No. 17 purported to do? 15 A. No, sir. 16 Q. If I were to suggest that Amendment No. 17 17 purported to include, as an additional form of ID, a 18 temporary driving permit issued to the person by the 19 DPS, would that make sense to you? 20 A. Yes, sir. 21 Q. And sitting here today, do you oppose that? 22 MS. DONNELLY: Objection to form. 23 A. I don't -- I don't know what a temporary 24 driving permit issued by the DPS looks like, if it has 25 a photo on it.</p>
<p style="text-align: center;">70</p> <p>1 Q. Moving to page 970, Amendment No. 16 offered 2 by Representative Raymond, which wanted to insert the 3 following -- I'll read it in part, just for the 4 record -- presents a paycheck or copy of another 5 official employment document that includes the 6 information of the voter's employer and informs the 7 election officer that: The voter's employer does not 8 permit the voter to be absent from work for the 9 purpose of obtaining photo ID; and offices of the DPS 10 are not open for at least two consecutive hours 11 outside of the voter's working hours. 12 Do you see that? 13 A. Yes, sir. 14 Q. And if you turn to page 974, Representative 15 V. Taylor -- is that Van Taylor? 16 A. I guess, yeah. 17 Q. -- moved to table Amendment No. 16, and you 18 voted in favor of tabling it. 19 Do you see that? Under the "yeas." 20 A. Yes. 21 Q. Do you recall why you voted in favor of 22 tabling the amendment? 23 A. No, sir. 24 Q. Do you have an understanding, today, of what 25 that amendment would do?</p>	<p style="text-align: center;">72</p> <p>1 Q. (BY MR. ROSENBERG) Turning to page 975, 2 Amendment No. 18, Representative Dutton offered an 3 amendment to include -- to add Subdivision 25 to read 4 as follows: "Personal identification card" means a 5 personal identification voter certificate issued by 6 the Department of Public Safety," and there was a 7 motion to table that, which you moved. 8 Do you recall that? 9 MS. DONNELLY: He's just asking if you 10 moved to table it. 11 A. Yes. 12 Q. (BY MR. ROSENBERG) And do you know why you 13 moved to table it? 14 A. No. 15 Q. Turn the page, please. 978. 16 Representative Veasey offered an amendment 17 that would add as a form of identification "a valid 18 employee identification card that contains the 19 person's photograph and is issued by an employer of 20 the person in the ordinary course of the employer's 21 business." 22 Do you see that? 23 A. Yes. 24 Q. And you moved to table that amendment. 25 Do you see that?</p>

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19 (Pages 73 to 76)

<p style="text-align: right;">73</p> <p>1 A. Yes. 2 Q. Do you know why you moved to table that 3 amendment? 4 A. No, sir. 5 Q. Sitting here today, do you oppose that 6 amendment? 7 A. I don't -- 8 MS. DONNELLY: Objection to the form. 9 A. I don't know. 10 Q. (BY MR. ROSENBERG) Turning to page 979, 11 Amendment No. 23, Representative Dutton offered an 12 amendment that would add to the forms of photo ID in 13 SB 14, "a student identification card issued by a 14 public or private high school or institution of higher 15 education that contains the person's photograph." 16 Do you see that? 17 A. Yes, sir. 18 Q. And you voted to table that; is that correct? 19 A. Yes, sir. 20 Q. Do you know why you did so? 21 A. No, sir. 22 Q. Sitting here today, do you oppose that? 23 MS. DONNELLY: Objection to form. 24 A. I don't know. 25 Q. (BY MR. ROSENBERG) Are you aware as to</p>	<p style="text-align: right;">75</p> <p>1 Q. (BY MR. ROSENBERG) Do you oppose allowing 2 individuals to use that form of ID, a valid 3 identification card that contains the person's 4 photograph and is issued by the state -- 5 MS. DONNELLY: Objection. 6 Q. (BY MR. ROSENBERG) -- in order to vote? 7 MS. DONNELLY: Objection. Form. 8 You can answer. 9 A. I don't remember what the debate was relating 10 to all of this at the time. 11 Q. (BY MR. ROSENBERG) Sitting here today, do you 12 oppose allowing an individual to use a valid 13 identification card that contains a person's 14 photograph and is issued by the state in order to 15 vote? 16 A. I don't know what the debate was -- 17 MS. DONNELLY: Objection. Form. 18 A. -- about, why it was important to use. 19 Q. (BY MR. ROSENBERG) So sitting here today, you 20 don't have a position on that issue? 21 A. That's right. 22 Q. And the same question as to the use of a 23 student identification card issued by a public or 24 private high school or institution of higher education 25 that contains the person's photograph: Sitting here</p>
<p style="text-align: right;">74</p> <p>1 whether either the Indiana or Georgia statute included 2 a student identification card with a photograph as an 3 acceptable form of ID? 4 A. I'm not. 5 Q. Are you aware of whether you, yourself, have 6 in the past supported legislation that included a 7 student identification card as an acceptable form of 8 ID? 9 A. I'm not aware. 10 Q. Turning to the next page, Amendment No. 24, 11 which was offered by Representative Martinez Fischer 12 and would include as an acceptable form of ID in 13 SB 14, "a valid identification card that contains the 14 person's photograph and is issued by this state." 15 Do you see that? 16 A. Yes, sir. 17 Q. And that was moved to table, and you voted in 18 favor of tabling it. 19 Do you see that? 20 A. Yes, sir. 21 Q. Do you know why you did so? 22 A. No, sir. 23 Q. Sitting here today, do you oppose that? 24 MS. DONNELLY: Objection. Form. 25 A. I don't know.</p>	<p style="text-align: right;">76</p> <p>1 today, do you oppose that form of identification being 2 used as a form of ID for a person to vote? 3 MS. DONNELLY: Objection. Form. 4 You can answer. 5 A. I don't recall the debate on the purpose of 6 the IDs chosen. 7 Q. (BY MR. ROSENBERG) And therefore, sitting 8 here today, you don't have a position on it one way or 9 the other? 10 A. Yes, sir. I do not. 11 (Harless Exhibit 168 marked/introduced.) 12 Q. (BY MR. ROSENBERG) I'd like to have this 13 marked as Exhibit 168, please. 14 MR. ROSENBERG: And this is a document 15 that's also "Highly Confidential." 16 Q. (BY MR. ROSENBERG) And first of all, I want 17 to ask you if you -- actually, if I may, I actually 18 gave you my copy. Is it okay if we switched these, 19 because I had marked this? 20 A. Sure. 21 MS. DONNELLY: Of course. 22 THE WITNESS: Sorry. 23 MR. ROSENBERG: No, my fault. 24 THE WITNESS: Am I a part-time attorney? 25 MS. DONNELLY: You're doing fine.</p>

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20 (Pages 77 to 80)

<p style="text-align: right;">77</p> <p>1 Q. (BY MR. ROSENBERG) Have you seen this 2 document before?</p> <p>3 A. Not that I recall.</p> <p>4 Q. And it's entitled "Reasons for Withholding 5 Certain Information Requested by Suzanne Gamboa, 6 Associated Press, from State Representative Patricia 7 Harless."</p> <p>8 Do you see that?</p> <p>9 A. Yes, sir.</p> <p>10 Q. Do you recall, back in January of 2012, there 11 being a Freedom of Information Act request for certain 12 documents from you?</p> <p>13 A. No, sir.</p> <p>14 Q. Turning your attention to the second page, 15 the paragraph --</p> <p>16 MS. DONNELLY: Counsel, the running 17 objection applies to those questions regarding Harless 18 168 as well.</p> <p>19 MR. ROSENBERG: Absolutely.</p> <p>20 MS. DONNELLY: The questions and answers 21 are sealed. This is a continuation of the running 22 objection.</p> <p>23 You can answer.</p> <p>24 Q. (BY MR. ROSENBERG) It begins: "There are 25 seven documents that the office seeks to withhold.</p>	<p style="text-align: right;">79</p> <p>1 Q. Does that refresh your recollection as to any 2 issue?</p> <p>3 A. No, sir.</p> <p>4 Q. Do you know whether these documents that 5 are -- first of all, do you recall what these 6 documents are?</p> <p>7 A. No, sir.</p> <p>8 Q. Do you recall having given a speech to the 9 Cy-Fair Houston Chamber of Commerce in December of 10 2011?</p> <p>11 A. No, sir.</p> <p>12 Q. Do you know whether the documents described 13 in this paragraph have been produced to the plaintiffs 14 in this case?</p> <p>15 A. I do not know.</p> <p>16 Q. Representative Harless, do you understand 17 that there has been a history of official voter- 18 related discrimination in the state of Texas?</p> <p>19 MR. KEISTER: Object to form.</p> <p>20 A. Ask that one more time.</p> <p>21 Q. (BY MR. ROSENBERG) Sure.</p> <p>22 Do you agree that there has been a history 23 of -- of voting-related racial discrimination in the 24 state of Texas?</p> <p>25 MR. KEISTER: Objection. Form.</p>
<p style="text-align: right;">78</p> <p>1 Copies of those documents are included with this brief 2 and are marked in red pencil for identification and 3 designation of the specific grounds for which the 4 council seeks to withhold each document. Documents A, 5 B, C, D, and E are a single email chain between the 6 member and her Chief of Staff Colby Beuck containing 7 advice, opinions, and recommendations relating to a 8 speech on Senate Bill No. 14, Acts of the 82nd 9 Legislature, Regular Session, 2011 (Voter I.D. Law) 10 that the representative gave to the Cy-Fair Houston 11 Chamber of Commerce, Government Affairs Committee on 12 December 1, 2011. Documents F and G are emails 13 between Representative Harless and her chief of staff 14 that relate to the representative's request for an 15 outline and talking points for the speech on S.B. 14. 16 Portions of documents F and G are unresponsive to the 17 request, and are marked accordingly. Additionally, 18 documents F and G show that 'cc' copies were sent to 19 Julie Scott and Ella Edmiston" -- E-D-M-I-S-T-O-N -- 20 "both of whom are employed in the representative's 21 office. All of the documents contain confidential 22 discussions and information regarding public policy 23 and the preparation of legislation."</p> <p>24 Do you see that?</p> <p>25 A. Yes, sir.</p>	<p style="text-align: right;">80</p> <p>1 MS. DONNELLY: And I join in that 2 objection. Form.</p> <p>3 A. I don't know. We have -- we have a 1965 4 Voting Rights Act.</p> <p>5 Q. (BY MR. ROSENBERG) And since 1965, do you 6 understand whether Texas has been found to have 7 violated the Voting Rights Act because of having 8 passed discriminatory legislation?</p> <p>9 MR. KEISTER: Object to form.</p> <p>10 MS. DONNELLY: Object to form.</p> <p>11 A. I don't know.</p> <p>12 Q. (BY MR. ROSENBERG) Are you unaware of there 13 being racial discrimination in Texas?</p> <p>14 MS. DONNELLY: Objection to the form.</p> <p>15 MR. KEISTER: Same.</p> <p>16 A. Am I unaware?</p> <p>17 Q. (BY MR. ROSENBERG) Uh-huh.</p> <p>18 A. Am I aware -- can you ask it a different way?</p> <p>19 Q. Sure.</p> <p>20 Are you aware of there being racial 21 discrimination in Texas?</p> <p>22 A. No. Not -- not that I recall.</p> <p>23 Q. Do you agree that African-Americans have been 24 subject to discrimination in employment in the state 25 of Texas?</p>

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21 (Pages 81 to 84)

<p style="text-align: center;">81</p> <p>1 MS. DONNELLY: Object to form. 2 MR. KEISTER: Objection. Form. 3 A. I don't know. 4 Q. (BY MR. ROSENBERG) How about Hispanics, do 5 you think they've been subject to racial 6 discrimination in the state of Texas? 7 MS. DONNELLY: Objection. Form. 8 MR. KEISTER: Form. 9 A. I have no information on it. 10 Q. (BY MR. ROSENBERG) Do you believe that 11 African-Americans or Hispanics have been subject to 12 discrimination in education in the state of Texas? 13 MS. DONNELLY: Objection. Form. 14 A. I don't know. 15 MR. KEISTER: Form. 16 Q. (BY MR. ROSENBERG) Do you know what the term 17 "polarized voting" means? 18 A. No. 19 Q. Are you aware of there ever being political 20 campaigns in the state of Texas that use subtle 21 appeals to racist sentiments? 22 MS. DONNELLY: Objection. Form. 23 MR. KEISTER: Form. 24 A. I don't know. 25 MR. ROSENBERG: We can take a break. I</p>	<p style="text-align: center;">83</p> <p>1 sessions. I -- I can't recall, but we have them most 2 sessions. 3 Q. Okay. But -- but you personally cannot 4 identify any bill other than SB 14 that was on a 5 subject -- that you sponsored that was on a subject 6 that the governor had declared a legislative 7 emergency? 8 A. Not that I remember. 9 Q. Okay. And excluding SB 14, have you ever 10 carried any bill that had been subject to a multi-hour 11 debate on the floor of the House? 12 MS. DONNELLY: Object to the form of the 13 question. 14 When you said "carried," what -- can you 15 be more specific? 16 MR. FREEMAN: Sponsored. 17 Q. (BY MR. FREEMAN) Let me rephrase. 18 Excluding SB 14, have you ever sponsored a 19 bill that was subject to a multi-hour debate on the 20 floor of the House? 21 A. As the sole sponsor, not that I recall. 22 Q. Okay. And excluding SB 14, have you ever 23 been the sole sponsor or lead sponsor of the bill that 24 was subject to significant, substantial news coverage? 25 MS. DONNELLY: Objection to form.</p>
<p style="text-align: center;">82</p> <p>1 might be done with my questioning, but we should take 2 a little break. 3 (Break.) 4 MR. ROSENBERG: I will pass the witness 5 to Mr. Freeman. 6 EXAMINATION 7 BY MR. FREEMAN: 8 Q. Thank you, Representative. And we will do 9 our best to get you to your baseball game. 10 A. I'll just listen to it. 11 Q. Well, to get you to somewhere where you can 12 listen to it. 13 So first off, I just want to ask a couple 14 questions about SB 14 and -- and the importance of 15 SB 14. 16 So excluding SB 14, have you ever carried a 17 bill that was a subject that the governor had declared 18 an emergency? 19 MR. KEISTER: Object to form. 20 MS. DONNELLY: I second the objection. 21 A. I -- I don't know for sure. 22 Q. (BY MR. FREEMAN) Can you identify any bill, 23 excluding SB 14, that was on a subject that the 24 governor had declared a legislative emergency? 25 A. We have -- we have them, I think, most</p>	<p style="text-align: center;">84</p> <p>1 You can answer. 2 A. Not that I recall. 3 Q. (BY MR. FREEMAN) Would it be fair to say that 4 SB 14 is the most important bill that you have 5 sponsored in your legislative career? 6 MS. DONNELLY: Objection. Form. 7 MR. KEISTER: Join. 8 A. No. 9 Q. (BY MR. FREEMAN) Would it be fair to say that 10 it's the most high-profile bill that you've sponsored 11 in your legislative career? 12 MS. DONNELLY: Objection. Form. 13 MR. KEISTER: Form. 14 A. No. 15 Q. (BY MR. FREEMAN) And why not? 16 A. I mean, it may be high profile to others, but 17 there are other legislation that I've carried that was 18 more high profile to my district, which is the people 19 I serve and who I pay attention to. 20 Q. Okay. Have you had a primary opponent since 21 SB 14 passed? 22 A. No. 23 Q. And, Representative, what are all of the 24 purposes of SB 14? 25 MS. DONNELLY: Objection. Form. Object</p>

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22 (Pages 85 to 88)

<p style="text-align: right;">85</p> <p>1 on the grounds that the question calls for information 2 covered by legislative privilege.</p> <p>3 You may answer if you would like to to 4 answer, but your answer will be under seal.</p> <p>5 If Counsel would like to agree to a 6 running objection, then I don't have to keep 7 interrupting you on every question.</p> <p>8 Is that an agreement that we have?</p> <p>9 MR. FREEMAN: That's fine.</p> <p>10 MS. DONNELLY: Okay. Is that an 11 agreement among all counsel?</p> <p>12 MR. ROSENBERG: Yes, it is.</p> <p>13 MS. DONNELLY: So from now until we both 14 agree that there's no longer a running objection, 15 there's a running objection.</p> <p>16 MR. ROSENBERG: Running objection is 17 right.</p> <p>18 MS. DONNELLY: Thank you.</p> <p>19 A. I don't know the -- I can't recall the answer of all the purposes of it, but mainly to provide for the integrity of the in-person voting by showing a photo ID.</p> <p>20 Q. (BY MR. FREEMAN) And there might be other 21 purposes, but you are not personally aware of them?</p> <p>22 A. I don't remember them.</p>	<p style="text-align: right;">87</p> <p>1 purpose of SB 14 besides ensuring the integrity of the 2 in-person vote; is that correct?</p> <p>3 A. Yes.</p> <p>4 Q. Do you remember discussing the Carter-Baker 5 Commission Report during the debate on SB 14?</p> <p>6 A. No, sir.</p> <p>7 Q. Do you recall what the Carter-Baker 8 Commission Report was?</p> <p>9 A. No, sir.</p> <p>10 Q. You have no recollection of anything called 11 the Carter-Baker commission or a commission involving 12 former Secretary of State Baker and former President 13 Jimmy Carter regarding election integrity or voter ID?</p> <p>14 A. I remember something being said about Carter.</p> <p>15 Q. And do you have any recollection of what that 16 was?</p> <p>17 A. No, sir.</p> <p>18 Q. And you said that you reviewed your 19 deposition testimony previously, correct?</p> <p>20 A. I went through, like, the first 30 pages --</p> <p>21 Q. Okay.</p> <p>22 A. -- while watching the TCU baseball game. We lost, by the way.</p> <p>23 Q. I'm sorry. We'll come back to that after a 24 break.</p>
<p style="text-align: right;">86</p> <p>1 Q. Okay. What is your basis for believing that 2 there was, prior to SB 14, a lack of integrity?</p> <p>3 A. Can you state that one more time?</p> <p>4 Q. Well, you had just testified that the purpose 5 was to ensure the integrity of the in-person vote, 6 correct?</p> <p>7 A. One of the purposes that I remember, that I recall.</p> <p>8 Q. A purpose.</p> <p>9 And so my question was: What is the basis for your belief that before SB 14 was passed there was a lack of integrity in the in-person vote?</p> <p>10 MS. DONNELLY: Object to the form.</p> <p>11 Go ahead.</p> <p>12 A. Just, when you show up to vote, saying who you are, show them proof that you are who you say you are.</p> <p>13 Q. (BY MR. FREEMAN) But what is your basis for believing that, absent showing that proof, there was a lack of integrity in the in-person vote?</p> <p>14 A. I don't recall.</p> <p>15 Q. Before SB 14 passed, did you believe some form of in-person voter fraud was occurring?</p> <p>16 A. I don't recall.</p> <p>17 Q. And to be clear, you don't recall any other</p>	<p style="text-align: right;">88</p> <p>1 I'd like to have you go back to Exhibit 166.</p> <p>2 The first page of Exhibit 166, what are these 3 statements?</p> <p>4 MS. DONNELLY: Object to the form.</p> <p>5 Q. (BY MR. FREEMAN) What is this document? Just 6 the first page.</p> <p>7 A. It looks like talking points.</p> <p>8 Q. And am I correct that one of these talking 9 points was: "This bill is not about citizenship, 10 language, immigration, it is about preserving and 11 protecting the integrity of our election process by 12 showing a photo ID when voting in person"?</p> <p>13 A. Yes, sir.</p> <p>14 Q. Why was it necessary to clarify that this bill was not about citizenship?</p> <p>15 A. I -- I don't recall.</p> <p>16 Q. Do you recall whether any supporters of voter 17 ID had tied the bill to issues concerning voter 18 citizenship?</p> <p>19 A. I don't recall.</p> <p>20 Q. Do you recall whether supporters of voter ID had tied the issue to immigration?</p> <p>21 A. I don't recall.</p> <p>22 Q. If you turn to the page concerning "Impact on 23 Voters." Third page, I believe, but it's labeled page</p>

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23 (Pages 89 to 92)

<p style="text-align: right;">89</p> <p>1 7. 2 A. Okay. 3 Q. Do you have any other basis besides the 4 analysis that you suggest concerning Georgia and 5 Indiana and statewide turnout in those states, do you 6 have any other basis to believe that SB 14 would 7 increase minority turnout in Texas? 8 MS. DONNELLY: Objection. Form. 9 You can answer. 10 A. I don't remember all that went into the 11 debate and the preparation for SB 14. 12 Q. (BY MR. FREEMAN) Do you remember the factual 13 basis for why you asserted that the bill will increase 14 turnout among all voters -- 15 MS. DONNELLY: Objection. Form. 16 Q. (BY MR. FREEMAN) -- in Texas? 17 MS. DONNELLY: Objection. Form. 18 A. No. I don't remember. 19 Q. (BY MR. FREEMAN) Do you know if you relied on 20 any Texas-specific information in making that 21 statement? 22 A. I don't remember. And it says "I think." 23 Q. Okay. Do you know when Georgia's voter ID 24 bill was enacted? 25 A. No. I don't remember. I know I did then, I</p>	<p style="text-align: right;">91</p> <p>1 the statement. 2 Q. (BY MR. FREEMAN) So -- 3 A. I don't remember. 4 Q. -- let's just say, logically, before SB 14, I 5 could show a photo ID or I could show my voter 6 registration card or I could show a few other nonphoto 7 documents. After SB 14, I could only show a photo ID. 8 Why would reducing the number of documents 9 you can show make it less confusing for the voters if 10 they can't continue to show exactly what they've shown 11 before? 12 A. I -- I don't remember. 13 Q. But logically now, why would you -- do you 14 continue to believe that photo ID is simpler and less 15 confusing for the voters at this time? 16 A. I do. 17 Q. And why? 18 A. I think knowing that when you show up to vote 19 and show your photo ID, like you rent a video or do 20 other things, it's in their normal course of everyday 21 life. 22 Q. Does showing your voter registration card -- 23 is that idea confusing to voters? 24 A. I -- I don't remember all the purpose in 25 that. I know a photo ID is what they carry every day.</p>
<p style="text-align: right;">90</p> <p>1 don't know now. 2 Q. Is it possible that minority turnout 3 increased in Georgia because President Obama was the 4 first African-American nominated by a major party for 5 president and not because a voter ID bill had been 6 enacted? 7 MS. DONNELLY: Objection. Form. 8 You can answer. 9 MR. KEISTER: Form. 10 A. I don't know. 11 Q. (BY MR. FREEMAN) If you can turn to the page 12 "About More Restrictive Bill," which is labeled page 13 1, but it is 7031, referring to the Bates number. 14 Q. Do you see where it says: "Plus, I believe 15 that Photo ID is simpler and less confusing for the 16 voters?" 17 A. Which paragraph is that? 18 Q. Second paragraph, end of the second 19 paragraph. 20 A. Yes, I see that. 21 Q. Why would reducing the number of ways that a 22 voter could establish their identity reduce confusion 23 for the voters? 24 MS. DONNELLY: Objection. Form. 25 A. I -- I don't know what went into preparing</p>	<p style="text-align: right;">92</p> <p>1 Q. Do you see the last paragraph where it's 2 labeled "More restrictive different bill?" 3 A. Yes, sir. 4 Q. And do you see where it says that "2 5 additional years to see Photo ID working in other 6 states and 2 additional years to hear from my 7 constituents that a photo voter ID bill is something 8 they expect...?" 9 A. Yes. 10 Q. What additional evidence did you rely on from 11 the last two years, from 2009 to 2011, that suggested 12 that a strict photo ID bill was working in other 13 states? 14 MS. DONNELLY: Objection. Form. 15 A. I don't recall. 16 Q. (BY MR. FREEMAN) And what did you hear from 17 your constituents that suggested that they expected a 18 strict photo ID bill? 19 MS. DONNELLY: Objection. Form. 20 Go ahead. 21 A. Just what I've said earlier to him, in town 22 hall meetings, meetings with constituent groups, them 23 asking for legislation that required for people to 24 show a photo ID when they voted in person. 25 Q. (BY MR. FREEMAN) If you could turn back to</p>

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24 (Pages 93 to 96)

<p>93</p> <p>1 page 6, which is 7027, the page labeled 6. And do you 2 see where it says that the bill "Provides exceptions 3 for elderly, disabled, or indigent voters" in the 4 third paragraph?</p> <p>5 A. Yes.</p> <p>6 Q. And did you consider those to be beneficial 7 features of the bill?</p> <p>8 A. I did.</p> <p>9 Q. Do you recall if you voted to eliminate the 10 exemption for elderly voters?</p> <p>11 A. I don't recall.</p> <p>12 (Harless Exhibit 169 marked/introduced.)</p> <p>13 Q. (BY MR. FREEMAN) Representative, what is this 14 document?</p> <p>15 MS. DONNELLY: I'm sorry, Counsel, this 16 is a "Highly Confidential" document.</p> <p>17 MR. FREEMAN: It is.</p> <p>18 MS. DONNELLY: It's going to be treated 19 as though --</p> <p>20 MR. ROSENBERG: Highly confidential.</p> <p>21 MS. DONNELLY: All the conversation and 22 questioning on this document will be treated as highly 23 confidential; is that right?</p> <p>24 MR. FREEMAN: Yes. And the running 25 objection is still running.</p>	<p>95</p> <p>1 A. I would think that that's what that would 2 refer to.</p> <p>3 Q. And who is Representative Miles?</p> <p>4 A. He was a House member -- or is a House 5 member.</p> <p>6 Q. And is Representative Miles from the Houston 7 area as well?</p> <p>8 A. Yes.</p> <p>9 Q. And is he African-American?</p> <p>10 A. Yes.</p> <p>11 Q. And does he represent a predominantly 12 African-American community?</p> <p>13 A. I don't know the percentage of his district.</p> <p>14 Q. And that was a provision that was passed by 15 the House, correct?</p> <p>16 A. I -- I can't tell you. I guess it was. I 17 don't know if it was the House. I guess.</p> <p>18 Q. Okay. And why was this provision removed 19 from SB 14?</p> <p>20 A. I don't recall.</p> <p>21 Q. Do you recall what the OAG or SOS concerns 22 were?</p> <p>23 A. No.</p> <p>24 Q. Do you see in Paragraph 5 where it talks 25 about removing "Tribal IDs as an acceptable form of</p>
<p>94</p> <p>1 MS. DONNELLY: And the running objection 2 is still running on the exhibits.</p> <p>3 MR. FREEMAN: Thank you.</p> <p>4 A. It looks to be an e-mail from Colby, my chief 5 of staff at the time, to me.</p> <p>6 Q. (BY MR. FREEMAN) And what does this e-mail 7 describe?</p> <p>8 A. It says differences between the CCR SB 14 and 9 House passage of SB 14.</p> <p>10 Q. And what does CCR mean?</p> <p>11 A. I guess the Conference Committee Report, 12 maybe.</p> <p>13 Q. Okay. So this is the bill as it came out of 14 conference, correct?</p> <p>15 A. I -- I guess.</p> <p>16 Q. Okay. Do you see the second paragraph where 17 it says that the Conference Committee Report removes 18 requirement that SOS education efforts target low 19 income and minority voters?</p> <p>20 A. I see that.</p> <p>21 Q. And that -- that was a provision -- it says, 22 next to it, "(Miles)," correct?</p> <p>23 A. Yes.</p> <p>24 Q. Does that mean that was a provision added by 25 Representative Borris Miles?</p>	<p>96</p> <p>1 ID"?</p> <p>2 A. Yes.</p> <p>3 Q. And is it your understanding that the 4 Conference Committee removed Tribal IDs as an 5 acceptable form of voter ID?</p> <p>6 A. Yes.</p> <p>7 Q. And it says next to it "Naomi Gonzalez," 8 correct?</p> <p>9 A. Yes.</p> <p>10 Q. And so this was an amendment sponsored by 11 Representative Gonzalez?</p> <p>12 A. Yes. I assume that, yeah.</p> <p>13 Q. And Representative Gonzalez, she represents a 14 district in the El Paso area, correct?</p> <p>15 A. I think so. I don't know.</p> <p>16 Q. And she's Hispanic, correct?</p> <p>17 A. She has a Hispanic surname.</p> <p>18 Q. And do you know if there are any recognized 19 Native American tribes in the El Paso area?</p> <p>20 A. I don't know.</p> <p>21 Q. Do you know why this amendment was rejected?</p> <p>22 A. I don't.</p> <p>23 MS. DONNELLY: Objection. Form.</p> <p>24 A. I know what's written in the next sentence.</p> <p>25 Q. (BY MR. FREEMAN) Do you know how many</p>

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25 (Pages 97 to 100)

<p style="text-align: right;">97</p> <p>1 different recognized tribes there are in Texas? 2 A. I don't. 3 Q. Do you know how many different forms of 4 military ID exist? 5 A. I don't. 6 Q. Do you know if there are more or fewer 7 recognized tribes in Texas than there are forms of 8 military ID? 9 A. I don't. 10 Q. Put that document aside. 11 Now, at the beginning of the legislative 12 session in 2011, you filed your own voter ID bill, 13 correct? 14 A. I think so, yes. 15 Q. Do you know if that was HB 112? 16 A. I don't remember the number. 17 Q. Do you remember what substantive input you 18 provided concerning that bill? 19 A. No. 20 Q. When you sponsor a bill, do you generally 21 tell your staff or the TLC what you would like to be 22 included in that bill? 23 A. My staff and I discuss what we're thinking or 24 what we've been asked to do or what we plan to do, and 25 they have those discussions. I -- I don't know what</p>	<p style="text-align: right;">99</p> <p>1 nodded. 2 A. You asked me about the elderly and the 3 indigent and the poor and the Conference Committee 4 Report and if that was important, and I said yes. 5 Q. If you could turn to page 961. 6 A. Okay. 7 Q. Do you see Amendment No. 7 at the bottom of 8 the page? 9 A. Amendment 7, yes. 10 Q. Can you turn to the next page and review 11 Amendment 7? 12 A. "70 years old or older on January 1, 2012, as 13 indicated by the date of birth on the voter's voter 14 registration certificate; or..." 15 Q. And this was an amendment to strike that 16 language, correct? 17 A. That's what it says. 18 Q. And so this amendment struck the exemption 19 for individuals who were 70 years of age or older on 20 January 1, 2012; is that correct? 21 A. I guess so. 22 Q. Do you recall whether or not you voted in 23 favor of this amendment? 24 A. I don't recall. 25 Q. If you could turn to page 965, Record Vote</p>
<p style="text-align: right;">98</p> <p>1 happens after that. 2 Q. Do you sign off on the bill before it's 3 submitted under your name? 4 A. I sign it when it's filed, after they've 5 provided a copy from leg' counsel. 6 Q. And do you review the bill prior to signing 7 it? 8 A. Yes. 9 MR. FREEMAN: Before we go into the 10 substance, if we want to take a break now that it 11 seems that lunch has arrived. I don't know if people 12 have hot meals. I'm happy to go off the record and we 13 can take a break. 14 MS. DONNELLY: We can do that. 15 MR. KEISTER: Sounds good to me. 16 (Lunch break.) 17 Q. (BY MR. FREEMAN) If we could just jump back 18 to Exhibit 167, which is the big, fat transcript. 19 Thank you. 20 Now, we had previously discussed how an 21 exemption for elderly people was important to you, 22 correct? 23 MS. DONNELLY: Objection. Form. 24 A. (Nods head.) 25 Q. (BY MR. FREEMAN) Is that a "yes"? You</p>	<p style="text-align: right;">100</p> <p>1 110. 2 A. Okay. 3 Q. Do you see whether you voted in favor of the 4 amendment? 5 A. 965? 6 Q. At the bottom of that page, Record Vote 110, 7 Amendment 7? 8 A. Harless, yes. 9 Q. Why did you vote in favor of that amendment? 10 A. I don't recall. 11 (Harless Exhibit 170 marked/introduced.) 12 Q. (BY MR. FREEMAN) I'd like to put another 13 document in front of you. Exhibit 170. 14 MS. DONNELLY: Counsel, before you start 15 asking questions, this document, Harless 170, is 16 Highly Confidential and will be treated as sealed 17 pursuant to the Court's order, right? 18 MR. FREEMAN: Yes. 19 Q. (BY MR. FREEMAN) Representative, have you 20 seen this document before? 21 A. I don't remember if I have or haven't. 22 Q. And do you recall whether you produced this 23 from your legislative file in response to the subpoena 24 you received? 25 A. I don't know.</p>

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26 (Pages 101 to 104)

<p style="text-align: center;">101</p> <p>1 Q. When you keep an op-ed or a newspaper article 2 in a legislative folder or file, why do you usually do 3 that?</p> <p>4 A. I don't know that I do that. I don't know if 5 I do it or if my staff does it.</p> <p>6 Q. When a -- thank you.</p> <p>7 When a newspaper article or an op-ed is found 8 in your legislative file, why does it usually end up 9 there, to your knowledge?</p> <p>10 A. It's related to the bill.</p> <p>11 Q. Do you know if you've read this before?</p> <p>12 A. I don't know if I have.</p> <p>13 Q. And who is the author of this op-ed?</p> <p>14 A. It says by Jimmy Carter and James A. Baker 15 III.</p> <p>16 Q. So that's President Carter and former 17 Secretary of State Baker?</p> <p>18 A. I guess it is.</p> <p>19 Q. Okay.</p> <p>20 A. It doesn't say that, but I guess it is if you 21 say it is.</p> <p>22 Q. If you could go to the seventh paragraph. It 23 begins: "Here's the problem we were addressing..."</p> <p>24 A. Okay.</p> <p>25 Q. Could you read that paragraph into the</p>	<p style="text-align: center;">103</p> <p>1 Q. (BY MR. FREEMAN) Okay. So you have no basis 2 to disagree, per se?</p> <p>3 MS. DONNELLY: Objection. Form.</p> <p>4 A. Well, I -- if I remember correctly -- and I'm 5 not sure that I do -- I think Georgia's was precleared 6 by the Department of Justice. So that would make it 7 nondiscriminatory.</p> <p>8 Q. (BY MR. FREEMAN) My question is whether you 9 have a factual basis to disagree with the statement 10 that Georgia's law is discriminatory?</p> <p>11 MR. KEISTER: Objection. Asked and 12 answered.</p> <p>13 MS. DONNELLY: Join in the objection.</p> <p>14 A. I would say that Georgia's law, if I remember 15 correctly, has been precleared by the Department of 16 Justice to be held constitutional; therefore, it is 17 not discriminatory.</p> <p>18 Q. (BY MR. FREEMAN) If you move to Paragraph 9, 19 could you read just the first sentence?</p> <p>20 A. "Yes, we are concerned about the 21 approximately 12 percent of citizens who lack a 22 driver's license."</p> <p>23 Q. Do you have any basis to disagree with this 24 statement that approximately 12 percent of citizens 25 lack a driver's license?</p>
<p style="text-align: center;">102</p> <p>1 record, please?</p> <p>2 A. "Here's the problem we were addressing: 24 3 states already require that voters prove their 4 identity at the polls - some states request driver's 5 licenses, others accept utility bills, affidavits or 6 other documents - and 12 others are considering it. 7 This includes Georgia, which just started demanding 8 that voters have a state-issued photo ID, even though 9 obtaining one can be too costly or difficult for poor 10 Georgians. We consider Georgia's law discriminatory."</p> <p>11 Q. And so did President Carter and former 12 Secretary of State Baker state in this op-ed that they 13 considered Georgia's law discriminatory?</p> <p>14 MR. KEISTER: Objection. Form.</p> <p>15 A. The authors wrote it, and they say that in 16 this article.</p> <p>17 Q. (BY MR. FREEMAN) And what is the date of this 18 article?</p> <p>19 A. September 23, 2005.</p> <p>20 Q. And do you believe that Georgia's voter ID 21 law is discriminatory?</p> <p>22 A. I don't --</p> <p>23 MS. DONNELLY: Objection. Form.</p> <p>24 A. I don't have enough information to know. I 25 don't recall.</p>	<p style="text-align: center;">104</p> <p>1 MS. DONNELLY: Objection. Form.</p> <p>2 A. I have no basis to agree or disagree.</p> <p>3 MR. FREEMAN: Okay.</p> <p>4 (Off the record.)</p> <p>5 MR. FREEMAN: Mark this Exhibit 171. 6 (Harless Exhibit 171 marked/introduced.)</p> <p>7 Q. (BY MR. FREEMAN) And, Representative, you 8 filed your own photograph photo ID in 2011; we 9 discussed that before the break, correct?</p> <p>10 A. Yes, sir.</p> <p>11 Q. So this is Exhibit 171, and is this the bill 12 that you introduced in 2011?</p> <p>13 A. It looks to be.</p> <p>14 Q. And do you recall whether this bill allowed 15 individuals to cast a valid, in-person ballot, showing 16 photographic ID or nonphotographic ID?</p> <p>17 MS. DONNELLY: Just confirm, Counsel, 18 the running objection is still running.</p> <p>19 A. I don't recall.</p> <p>20 MR. FREEMAN: This is a public document, 21 but the objection speaks to her testimony.</p> <p>22 MS. DONNELLY: Yes.</p> <p>23 Q. (BY MR. FREEMAN) If you could turn to page 6 24 and on to page 7.</p> <p>25 A. Okay.</p>

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<p>1 Q. And do you see that documents listed as 2 acceptable as proof of identification -- 3 A. Yeah. 4 Q. -- include a variety of nonphotographic 5 documents, correct? 6 A. Yes. 7 Q. Why did you include these nonphotographic 8 documents in your voter ID proposal? 9 A. I don't know. 10 Q. Would your ID proposal have helped fulfill 11 the purpose of SB 14 that you mentioned previously? 12 A. I can't remember about this bill. 13 Q. Did you think that these documents were 14 acceptable to establish a voter identity? 15 A. I think -- I don't remember why this bill was 16 filed, unless it was just the same as the last session 17 bill. The prior session. 18 Q. Now, you previously testified that your 19 constituents had urged you to file a voter ID bill, 20 correct? 21 A. Yes. 22 Q. Had they urged you -- and after they urged 23 you, you filed this bill, correct? 24 A. I filed this bill at the beginning of 25 session, because it's got a low number.</p>	<p>1 A. I don't remember. 2 Q. Do you remember if HB 112 limited the use of 3 forms of identification to those that had been expired 4 by 60 days or fewer? 5 A. I don't remember. 6 Q. If you look at the bottom of page 5 and top 7 of page 6, do you see where it says: "a driver's 8 license or personal identification card issued to the 9 person by the Department of Public Safety that has not 10 expired or that expired no earlier than two years 11 before the date of the presentation"?. 12 A. I see that. 13 Q. Do you believe that a driver's license that 14 has expired by one year and 11 months is sufficient to 15 establish an individual's identity? 16 A. I don't know why the two years was put in 17 this legislation. 18 Q. But do you believe now, as we sit here, that 19 a driver's license that's been expired for 18 months 20 establishes an individual's identity, if the picture 21 matches? 22 A. I -- I don't know why you would have an ID 23 that's been expired for two years. 24 Q. Do some people sometimes not renew their 25 driver's license if they don't drive anymore, older</p>
106	108
<p>1 Q. And -- 2 A. Or maybe even before session started, because 3 it's got a low number. 4 Q. And so had your constituents urged you to 5 file anything different from this bill specifically? 6 A. I don't recall. I don't -- you know, if I 7 spent hours going over what happened during this 2011 8 session, I might understand more what was going on, 9 but I haven't done that. 10 Q. As you stand now do you believe that the 11 documents listed as acceptable as proof of 12 identification are, in fact, effective ways for a 13 voter to establish their identity? 14 A. I think the most effective way for a voter to 15 establish their identity for in-person voting is with 16 a photo ID. 17 Q. Do you think that these are insufficient in 18 any way? 19 A. If they don't include a photo ID, I do. 20 Q. And why's that? 21 A. Because a photo ID is to identify you are who 22 you say you are. 23 Q. Do you know if HB 112 was referred to the 24 Select Committee on Voter Identification and Voter 25 Fraud?</p>	<p>1 folks? 2 A. I don't know. 3 Q. Okay. To your knowledge, did Colby Beuck, 4 your former chief of staff, provide assistance with 5 the drafting of this bill? 6 A. I don't recall. I know leg' counsel drafts 7 the bills. 8 Q. Do you know if he provided any substantive 9 input to leg' counsel? 10 A. I think we fill out forms to do it, and he 11 would have been the one who would have done that. 12 Q. During the drafting of SB 14, do you know 13 if -- if Mr. Beuck helped provide input on the Senate 14 bill? 15 A. I don't know. 16 Q. Is there any circumstance in which a member 17 of your staff has worked with an individual on the 18 Senate to craft a Senate side bill? 19 A. Not in my knowledge. 20 Q. Okay. Now, turning away from this bill and 21 just to SB 14, do you know why SB 14 includes military 22 ID as an acceptable form of photographic ID? 23 A. I don't recall. 24 Q. Do you know why it includes passports? 25 A. No, sir.</p>

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<p>1 Q. Do you know why it does not include a federal 2 employee ID with a person's photograph on it? 3 A. I don't recall. 4 Q. Do you know why it doesn't include any other 5 federally-issued ID besides passports or 6 Department of Defense-issued or VA-issued ID? 7 A. I don't remember. 8 Q. Do you know why SB 14 doesn't include state 9 employee IDs? 10 A. I don't recall. 11 Q. Do you know why it doesn't include municipal 12 IDs? 13 A. I don't. I don't know. 14 Q. Do you remember if you provided Mr. Beuck 15 with any instructions as to the substance of what you 16 wanted included in SB 14? 17 A. I didn't draft SB 14. 18 Q. Okay. Do you remember if the Mexican 19 American Legal Defense and Education Fund, MALDEF, do 20 you remember if they took a position on SB 14? 21 A. I think they did. 22 Q. And what was that position? 23 A. I think they were opposed to it. I -- I 24 think there was testimony that they were opposed to 25 it.</p>	<p>1 bills, and I try to listen to their concerns. 2 Q. (BY MR. FREEMAN) And why did you, in the end, 3 decide to continue to support SB 14, notwithstanding 4 the concerns that these groups raised? 5 A. Because I thought that the bill was a good 6 bill and providing integrity in the election process. 7 Q. Did MALDEF and the NAACP raise other concerns 8 about possible harms that SB 14 would have? 9 A. I don't recall what their -- what their 10 opposition was. 11 Q. Do you remember what Representative Anchia's 12 opposition was? 13 A. No. 14 Q. Do you remember what Representative Veasey's 15 opposition was? 16 A. No. 17 Q. Do you remember whether, at the Select 18 Committee on Voter Identification and Voter Fraud 19 hearing on SB 14, whether there were experts who 20 testified about the possible effects of SB 14? 21 A. I don't recall specifically. I know we had 22 someone come in and testify, but I couldn't even tell 23 you who that was. 24 Q. Do you remember someone named Tova Wang? 25 A. No.</p>
<p>110</p> <p>1 Q. Did it concern you that MALDEF was opposed to 2 SB 14? 3 A. There was a lot of people that were in 4 support and opposition to the bill. I'm -- no, I'm -- 5 I'm never surprised. I'm always willing to listen. 6 Q. But does it concern you when a minority 7 rights group is actively opposed to a bill, does that 8 raise concerns for you specifically? 9 MS. DONNELLY: Objection. Form. 10 A. I try to listen to all concerns from every 11 group. 12 Q. (BY MR. FREEMAN) Do you remember if the NAACP 13 took a position on SB 14? 14 A. I can't say for sure, but I would think they 15 would. 16 Q. And what would make you think that they 17 would? 18 A. Well, I think they did. I mean, I think I 19 read something. 20 Q. Do you remember what that position was? 21 A. Opposed to it. 22 Q. And did it concern you that the NAACP was 23 opposed to it? 24 MS. DONNELLY: Objection. Form. 25 A. I'm concerned when anybody's opposed to any</p>	<p>112</p> <p>1 Q. Do you remember the term the Brennan Center? 2 A. I remember the term. 3 Q. And do you remember if anyone from the 4 Brennan Center provided testimony? 5 A. I don't remember. 6 Q. And we had previously discussed the 7 Carter-Baker Commission. 8 Do you remember someone named Toby Moore? 9 A. I don't remember. 10 Q. Do you know if he was a staff member of the 11 Carter-Baker Commission? 12 A. I don't know. 13 Q. Okay. 14 A. I don't remember. 15 Q. Do you remember whether there was any 16 testimony in the Select Committee hearing about the 17 number of people who might not have the types of IDs 18 required by SB 14 in order to cast a valid in-person 19 ballot? 20 A. I don't. 21 Q. Do you remember if there were disagreements 22 among the different experts about whether or not it 23 would be a problem, whether there would be a 24 substantial number of people who would lack ID? 25 A. I remember the Secretary of State testifying,</p>

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<p style="text-align: center;">113</p> <p>1 but -- and arguments back and forth, but I can't 2 recall specifically what that was. 3 Q. But in the end, you took the position that 4 there weren't going to be a large number of people who 5 lacked these IDs, right? 6 MS. DONNELLY: Objection. Form. 7 A. I don't remember what my position was on 8 that. 9 Q. (BY MR. FREEMAN) Why do you think that there 10 was -- well, first -- sorry. Strike that. 11 Would you agree that there was strong 12 opposition to SB 14 among the people who voted against 13 it? 14 MS. DONNELLY: Objection. Form. 15 A. There was opposition. 16 Q. (BY MR. FREEMAN) Why do you think they 17 opposed SB 14? 18 A. I don't know. 19 Q. You have no understanding of -- of the 20 opposition to this bill? 21 A. No. Every bill, there's opposition, and I -- 22 I never can quite understand all the workings behind 23 it. 24 Q. Have you ever had an individual registered 25 voter tell you that they did not vote because they</p>	<p style="text-align: center;">115</p> <p>1 SB 14? 2 A. No, sir. 3 Q. As we sit here now, if it is, in fact, the 4 case that African-American and Hispanic voters lack 5 the ID required by SB 14 at a greater rate than Anglo 6 voters, do you think that SB 14 is still a worthwhile 7 law? 8 MS. DONNELLY: Objection. Form. 9 MR. KEISTER: Form. 10 A. I'm not going to speculate. (Harless Exhibit 172 marked/introduced.) 11 MR. FREEMAN: Mark the following 12 document as Exhibit 172. And this document has been 13 designated Highly Confidential, so the document itself 14 will be placed under seal, and it is my understanding 15 that a running objection continues to run its 16 marathon. 17 MS. DONNELLY: Thank you. 18 Q. (BY MR. FREEMAN) Representative, have you 19 seen this document before? 20 A. Not that I recall. 21 Q. What is this document? 22 A. It looks like an e-mail from Ann McGeehan, 23 Secretary of State's office, sent to me and Colby and 24 copied a John -- I don't know how to say his last</p>
<p style="text-align: center;">114</p> <p>1 were concerned about voter fraud canceling out their 2 vote? 3 A. Not that I can recall. 4 Q. Was there any testimony given to the Select 5 Committee on Voter Identification and Voter Fraud -- 6 which I will, in the future, just call the Select 7 Committee, if that's okay. 8 A. Okay. 9 Q. Was there any testimony to the Select 10 Committee stating that SB 14 would have a 11 disproportionate impact on minority voters? 12 A. I don't remember the testimony in committee. 13 Q. Was there any testimony that minority voters 14 were less likely than Anglo voters to possess the 15 types of ID required to cast a valid in-person ballot 16 under -- or regular in-person ballot under SB 14? 17 A. I don't remember the testimony in committee. 18 Q. Are you aware of how many individuals had to 19 cast provisional ballots in either the November 2013 20 general election or the 2014 primary -- 21 A. No, sir. 22 Q. -- because they arrived at a polling place 23 without the ID required by SB 14? 24 A. No, sir. 25 Q. So you haven't followed the implementation of</p>	<p style="text-align: center;">116</p> <p>1 name. 2 Q. Sepehri? 3 A. Sepehri. 4 Q. Do you know who John Sepehri is? 5 A. I don't remember. It shows that it had some 6 attachments, and it's a letter to me. Or an e-mail to 7 me, sorry. 8 Q. And this is dated Friday, February 25th? 9 A. Yes, 2011. 10 Q. If you could just go to the third paragraph 11 of this e-mail, did Ms. McGeehan write to you that 12 "...concerning the number of voters who have not been 13 issued TDL/personal ID cards by DPS, we are still 14 working with our IT Dept to analyze that data, and 15 hope to have an analysis by Monday"?</p> <p>16 A. That's what this says. 17 Q. Had you asked her for that analysis? 18 A. I don't recall. 19 Q. Did you follow up on this request? 20 A. I don't remember. (Harless Exhibit 173 marked/introduced.) 21 MR. FREEMAN: The following document, 22 173, this has also been designated as "Highly 23 Confidential" and will be placed under seal. 24 Q. (BY MR. FREEMAN) Representative, what is this</p>

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30 (Pages 117 to 120)

<p style="text-align: right;">117</p> <p>1 document?</p> <p>2 A. It is an e-mail from Ann McGeehan to Colby,</p> <p>3 dated February 25, 2011, questions what -- it says:</p> <p>4 Question: What is the number of voters that do not</p> <p>5 have a Texas Drivers License/Personal ID or Social</p> <p>6 Security Number in the statewide database?</p> <p>7 Q. And so this was sent just a couple of hours</p> <p>8 after Exhibit 172?</p> <p>9 A. Three hours and 14 minutes.</p> <p>10 Q. I appreciate your precision.</p> <p>11 This isn't saying the number of people who</p> <p>12 have a Texas driver's license because of matching</p> <p>13 against DPS, correct?</p> <p>14 A. I don't know what it's saying.</p> <p>15 Q. If you could take a moment to review it,</p> <p>16 then.</p> <p>17 A. What did you ask, is it saying?</p> <p>18 Q. So this document does not say the number of</p> <p>19 individuals who have been issued Texas driver's</p> <p>20 license or personal identification cards by DPS --</p> <p>21 MS. DONNELLY: Objection.</p> <p>22 Q. (BY MR. FREEMAN) -- correct?</p> <p>23 MS. DONNELLY: Please don't speculate on</p> <p>24 what somebody else meant.</p> <p>25 A. Yeah, I -- yeah, I don't -- I don't know.</p>	<p style="text-align: right;">119</p> <p>1 numbers reflect new registration since January 2006</p> <p>2 and show what identification numbers that new</p> <p>3 applicants provided.</p> <p>4 The second set of numbers reflect the entire</p> <p>5 statewide file of registered voters and shows which</p> <p>6 identification numbers were provided by the applicants</p> <p>7 before or after January 2006. But she says that they</p> <p>8 did not keep that information prior to 2006.</p> <p>9 So I think it's not quite an analysis. It's,</p> <p>10 in their mind, an estimation of what they think, if</p> <p>11 they had to guess.</p> <p>12 Q. Okay. That's fine.</p> <p>13 (Harless Exhibit 174 marked/introduced.)</p> <p>14 MR. FREEMAN: Mark the next document as</p> <p>15 Exhibit 174. This is not marked "Highly</p> <p>16 Confidential."</p> <p>17 Q. (BY MR. FREEMAN) What is this document?</p> <p>18 A. I have no clue.</p> <p>19 Q. Do you see, at the top of it, it says "Voter</p> <p>20 Fraud Hearing, March 1, 2011"?</p> <p>21 A. "Volume 2, March 1, 2011," yes.</p> <p>22 Q. Would you agree that this is a transcript of</p> <p>23 the Voter Fraud Hearing?</p> <p>24 A. It looks to be a transcript from the Voter</p> <p>25 Fraud Hearing on March 1, 2011.</p>
<p style="text-align: right;">118</p> <p>1 Q. (BY MR. FREEMAN) So if you look at 172,</p> <p>2 would you say that 173 is the analysis that</p> <p>3 Ms. McGeehan described in the third paragraph of 172,</p> <p>4 or is this something different?</p> <p>5 MS. DONNELLY: Objection. Form.</p> <p>6 Please don't speculate.</p> <p>7 A. I don't know. She said she'd have the</p> <p>8 analysis by Monday. This is on a Friday. I don't</p> <p>9 know.</p> <p>10 Q. (BY MR. FREEMAN) Reading 173, as you</p> <p>11 understand the document, is this a description of the</p> <p>12 number of voters who possess a Texas driver's license</p> <p>13 or identification card?</p> <p>14 MS. DONNELLY: Objection. Form.</p> <p>15 A. What are you asking, if it is?</p> <p>16 Q. (BY MR. FREEMAN) Is this an analysis of the</p> <p>17 number of voters in Texas who possess a Texas driver's</p> <p>18 license or personal identification card issued by DPS?</p> <p>19 A. I don't know that for a fact, no.</p> <p>20 Q. Did Ms. McGeehan provide a calculation of the</p> <p>21 number of voters who provided a Texas driver's license</p> <p>22 or ID number when they registered to vote?</p> <p>23 A. Well, in reading the paragraph, it goes into</p> <p>24 details about how their system had been updated and</p> <p>25 not everything is accurate, and the first set of</p>	<p style="text-align: right;">120</p> <p>1 Q. Do you recall when the Select Committee held</p> <p>2 its hearing on SB 14?</p> <p>3 A. I do not.</p> <p>4 Q. Would it have been around March 1st?</p> <p>5 A. It could have been. I have no reason to</p> <p>6 doubt that this is anything but valid.</p> <p>7 Q. Okay. I appreciate that.</p> <p>8 During the Select Committee hearing, do you</p> <p>9 recall whether any members of the committee asked Ann</p> <p>10 McGeehan whether the Secretary of State's office had</p> <p>11 matched the voter registration file against the</p> <p>12 driver's license file to determine how many voters</p> <p>13 lacked DPS-issued IDs?</p> <p>14 A. I don't remember what they specifically</p> <p>15 asked.</p> <p>16 Q. If you could review page 289, the first page</p> <p>17 of this transcript.</p> <p>18 A. Okay.</p> <p>19 Q. And actually, the second page as well.</p> <p>20 A. How far? All the way down?</p> <p>21 Q. Just through the second page, yes.</p> <p>22 A. Okay.</p> <p>23 Q. Having reviewed this transcript, during the</p> <p>24 Select Committee hearings, did any members of the</p> <p>25 committee ask Ann McGeehan whether SOS, the Secretary</p>

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<p>121</p> <p>1 of State's office, had matched the voter registration 2 file against the driver's license file to determine 3 how many voters lacked DPS-issued ID?</p> <p>4 MS. DONNELLY: Objection. The record 5 speaks for itself.</p> <p>6 You can answer.</p> <p>7 A. In this -- in this transcript, she says that 8 they shared information, they worked with, I guess, 9 another agency. But since 2006, they've required 10 Social Security, and they've matched that. And it 11 says: "So since that time, we show 34,506 voters out 12 of almost 4 million that stated they did not have 13 LD."</p> <p>14 Q. (BY MR. FREEMAN) Where are you reading that 15 from?</p> <p>16 A. On page 2, in the middle of the page under 17 Ann McGeehan.</p> <p>18 Q. That's page 291, so the third page of the 19 transcript?</p> <p>20 A. No. Right here. On the first page. 291, 21 yeah. Page 291. I didn't go to there.</p> <p>22 Q. I'm sorry, you have -- you have two copies of 23 the same.</p> <p>24 MS. DONNELLY: Yes, I have two copies of 25 the same as well.</p>	<p>123</p> <p>1 A. I don't know. I don't know. 2 Q. Did you follow up on the request for this 3 information any time after March 1st, as the sponsor 4 of the bill?</p> <p>5 A. I don't remember.</p> <p>6 Q. Is there any circumstance that you're aware 7 of in which you've requested information from the 8 Office of the Secretary of State about a bill that you 9 sponsored and that the Secretary of State has not 10 provided that information, even though it had it?</p> <p>11 A. Not that I recall.</p> <p>12 Q. Is there any circumstance that you're aware 13 of with regard to any legislative order in which 14 there's been a request for information the Secretary 15 of State had and the Secretary of State simply did not 16 provide it?</p> <p>17 MR. KEISTER: Object to form.</p> <p>18 A. I would only be able to ask -- answer about 19 me.</p> <p>20 Q. (BY MR. FREEMAN) Okay. 21 (Harless Exhibit 175 marked/introduced.) 22 MR. FREEMAN: Mark the following 23 document Exhibit 175. This document has not been 24 marked "Highly Confidential."</p> <p>25 Q. (BY MR. FREEMAN) Representative, I'll ask you</p>
<p>122</p> <p>1 Q. (BY MR. FREEMAN) You didn't have the first 2 page. My apologies. My mistake. You didn't have the 3 page at all that I asked you to read.</p> <p>4 A. Okay.</p> <p>5 Q. If you could review pages 289 and 290.</p> <p>6 A. Okay.</p> <p>7 Q. So during the Select Committee, do you agree 8 that an unidentified representative asked Ms. McGeehan 9 whether SOS had done a match to determine with the 10 driver's license file as to whether particular voters 11 have driver's licenses or not? That's on page 290.</p> <p>12 A. 290? "Have you all done a match to determine 13 with the driver's license file as to whether these 14 folks have driver's licenses or not?"</p> <p>15 "Uh-huh."</p> <p>16 Q. Do you recall who asked that question, by any 17 chance?</p> <p>18 A. I don't.</p> <p>19 Q. Okay. And did Ms. McGeehan state that the 20 Secretary of State's IT department was still working 21 on that analysis?</p> <p>22 A. We're looking at it to make sure.</p> <p>23 Q. So the analysis that Ms. McGeehan provided to 24 Mr. Beuck on February 25th, that wasn't this matching 25 analysis, right?</p>	<p>124</p> <p>1 to review this document in its entirety.</p> <p>2 A. Okay.</p> <p>3 Q. Have you seen this document before?</p> <p>4 A. Not that I recall.</p> <p>5 Q. Have you seen any similar document laying out 6 the analysis that is found on pages 2 and 3?</p> <p>7 A. Not that I recall.</p> <p>8 Q. Do you know why you never received this 9 analysis?</p> <p>10 A. I don't.</p> <p>11 MS. DONNELLY: Objection. Form.</p> <p>12 MR. KEISTER: Objection. Form.</p> <p>13 A. I don't know if I have or haven't.</p> <p>14 Q. (BY MR. FREEMAN) To your understanding, is 15 this the analysis that was asked for during the Select 16 Committee hearing?</p> <p>17 MR. KEISTER: Object to form.</p> <p>18 MS. DONNELLY: Objection to form.</p> <p>19 A. I don't know if it is or isn't.</p> <p>20 Q. (BY MR. FREEMAN) Well, reviewing it, does it 21 appear to be a matching analysis between DPS records 22 and the voter file?</p> <p>23 A. I'm not sure what it is. I mean, I know 24 they've got their queries and matching criteria and 25 number of voters, but I don't know why there's all the</p>

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<p style="text-align: right;">125</p> <p>1 different numbers.</p> <p>2 And they have several questions: "Does it</p> <p>3 include Social Securities?" "I don't know, I'll found</p> <p>4 out." So I'm not sure what it is, what it's about,</p> <p>5 what it actually means.</p> <p>6 Q. And as you continue to review the document,</p> <p>7 you have no better understanding of what it would mean</p> <p>8 to run a query for particular matching criteria</p> <p>9 between voters --</p> <p>10 A. Right.</p> <p>11 Q. -- and DPS records?</p> <p>12 A. Right. I don't -- you know, I -- there's not</p> <p>13 enough information here to tell you what it is.</p> <p>14 Q. We can agree that, at present, there's no</p> <p>15 exemption from SB 14 for voters who are 70 or older,</p> <p>16 correct?</p> <p>17 A. I don't remember.</p> <p>18 Q. Well, that's because Amendment 7 that we</p> <p>19 discussed earlier, right?</p> <p>20 A. "Did we not put it back in in conference?"</p> <p>21 "I don't remember."</p> <p>22 Q. Do you know whether SB 14 currently contains</p> <p>23 an exemption for individuals who are 70 or older?</p> <p>24 A. I don't remember.</p> <p>25 Q. Looking at page 2 of this document -- I'm</p>	<p style="text-align: right;">127</p> <p>1 I don't remember what the debate was. I remember</p> <p>2 there was some question in whether these numbers were</p> <p>3 valid. But I don't remember what that was. That</p> <p>4 numbers presented were in -- were not necessarily</p> <p>5 valid.</p> <p>6 Q. (BY MR. FREEMAN) Within the Texas population,</p> <p>7 just knowing, based on your personal knowledge, would</p> <p>8 you say that individuals who lacked -- or who are</p> <p>9 poor, would you say they're more likely or less likely</p> <p>10 to have a photo ID?</p> <p>11 MS. DONNELLY: Objection. Form.</p> <p>12 MR. KEISTER: Form.</p> <p>13 A. I think that in this day and time, in</p> <p>14 Houston, Texas, in Texas in general, that most</p> <p>15 everyone has some form of photo ID.</p> <p>16 Q. (BY MR. FREEMAN) Most everyone. But what</p> <p>17 about the people who don't?</p> <p>18 A. I have no clue who that might be.</p> <p>19 Q. I'm done with that document.</p> <p>20 So you testified earlier that there was an</p> <p>21 increased interest in matters related to elections in</p> <p>22 your district --</p> <p>23 A. Yes.</p> <p>24 Q. -- before this term, correct?</p> <p>25 Did those concerns ever focus on noncitizen</p>
<p style="text-align: right;">126</p> <p>1 looking at Query 1, Query 3 and Query 5, the ones that</p> <p>2 don't contain an exemption for voters who are 70 or</p> <p>3 older.</p> <p>4 Of those three, what is the lowest number of</p> <p>5 voters that did not match a DPS record?</p> <p>6 A. 1, 3 and 5, what is the lowest number?</p> <p>7 Q. The lowest of the estimates there for the</p> <p>8 number of voters who did not match a DPS record.</p> <p>9 MS. DONNELLY: Object to the form of the</p> <p>10 question.</p> <p>11 You understand the question?</p> <p>12 A. It would look like 3.</p> <p>13 Q. (BY MR. FREEMAN) And is that 6- --</p> <p>14 A. Is that right?</p> <p>15 Q. Is that 678,560 voters?</p> <p>16 A. That's what this says.</p> <p>17 Q. If you had known, during consideration of</p> <p>18 SB 14, that the Secretary of State's office was not</p> <p>19 able to determine that 678,560 voters lacked -- or had</p> <p>20 a DPS-issued ID, would you have still supported the</p> <p>21 bill?</p> <p>22 MR. KEISTER: Objection. Form.</p> <p>23 MS. DONNELLY: Objection. Form.</p> <p>24 MR. KEISTER: Misstates the document.</p> <p>25 A. I don't know about the validity of all this.</p>	<p style="text-align: right;">128</p> <p>1 voting?</p> <p>2 A. I don't recall that.</p> <p>3 Q. Did they ever focus specifically on Hispanic</p> <p>4 voters?</p> <p>5 A. I don't recall that.</p> <p>6 Q. Do you remember why your constituents</p> <p>7 considered these issues important?</p> <p>8 A. They think one vote, one person, makes a</p> <p>9 difference.</p> <p>10 Q. Did any of your constituents ever volunteer</p> <p>11 specific information about why they found these issues</p> <p>12 to be important?</p> <p>13 A. I can't recall.</p> <p>14 Q. If we could go back to Exhibit 164. It's a</p> <p>15 big packet of e-mails. The first page has your</p> <p>16 letterhead on it. There we go.</p> <p>17 If you could turn to page 711. Actually, on</p> <p>18 page 712.</p> <p>19 A. Okay.</p> <p>20 Q. And did a constituent write to you, saying,</p> <p>21 "Recently, I was told of a democratic Hispanic group</p> <p>22 jumping for joy saying ~"the Senate bill did nothing</p> <p>23 on paper ballots...that is how we will continue doing</p> <p>24 what we want to do"? 712.</p> <p>25 A. 712. Is that from the same person? Yeah.</p>

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<p style="text-align: right;">129</p> <p>1 Okay. 2 Yes, I see that. 3 Q. Did you receive many messages from 4 constituents saying that Hispanic groups were jumping 5 for joy about voter fraud? 6 A. I don't recall. 7 Q. And in your response, which is on page 711, 8 did you question this account at all? 9 A. Do you want me to read my response? 10 Q. I would, yes. 11 A. Okay. Okay. What was your question? 12 Q. Did you question this voter's account of 13 Hispanic groups "jumping for joy"? 14 A. I didn't address it. 15 Q. Okay. And did you address in any way the 16 assertion that this voter's description of voter fraud 17 focused on Hispanic groups? 18 A. I -- I don't see that I talked about that. I 19 talked about how the ballot-by-mail process works and 20 where they can get more information on that and how 21 they handle it. 22 Q. Okay. Let's turn to page 744, which is 23 toward the back of the packet. 24 MS. DONNELLY: I don't have a 744 or 25 745.</p>	<p style="text-align: right;">131</p> <p>1 A. Not that I recall. 2 Q. (BY MR. FREEMAN) And did you correct -- 3 sorry. Strike that. 4 Does SB 14 require proof of citizenship? 5 A. I think, to register to vote, you check that 6 you are a citizen. 7 Q. But does SB 14 require a voter who shows up 8 at the poll to provide a form of ID that establishes 9 citizenship? 10 A. They can show a form of ID that's citizenship 11 that has their photo on it. 12 Q. But do they have to? 13 A. I don't think so. 14 Q. Did you correct the voter's perception that 15 SB 14 requires proof of citizenship? 16 A. I typically try not to correct my 17 constituents. I try to give them relevant information 18 that will help them be more informed. 19 Q. Would it help them be more informed to 20 explain what SB 14 does and doesn't do? 21 A. In the real world, no. 22 Q. And why's that? 23 A. You know, I just think that it's best 24 sometimes to give them information to do their own due 25 diligence and not argue with them. It's not my job to</p>
<p style="text-align: right;">130</p> <p>1 MR. FREEMAN: I have a separate copy of 2 it. I was trying to keep the number of exhibits down. 3 (Harless Exhibit 176 marked/introduced.) 4 MR. FREEMAN: I'm going to mark this 5 document as Exhibit 176. 6 Q. (BY MR. FREEMAN) Representative, have you 7 seen this document before? 8 A. Not that I recall. 9 Q. What is this document? 10 A. It looks like an e-mail to my state e-mail -- 11 or from my state e-mail to a Sandra Thibodeau, dated 12 March 28, 2012. 13 Q. And who is Sandra Thibodeau? 14 A. I have no clue. 15 Q. And do you see, in her e-mail, she said: "So 16 why should someone who cannot produce documentation of 17 citizenship be allowed to vote in U.S. elections?" 18 MS. DONNELLY: Why don't you take a 19 moment to read it. 20 A. Yes. 21 Q. (BY MR. FREEMAN) Did you receive many 22 messages from constituents, either in person or by 23 e-mail or on the phone, arguing in favor of proof of 24 citizenship related to voter ID? 25 MS. DONNELLY: Objection.</p>	<p style="text-align: right;">132</p> <p>1 change their mind. 2 Q. But is it your job to educate them? 3 A. I -- I do that. I provide them information 4 where they can get more information. 5 Q. And if we could go back to Exhibit 164, the 6 big packet. 7 A. The e-mails? 8 Q. Yes. 9 If you could just turn to the third page of 10 the document, which is -- which is -- 11 A. 704? 12 Q. -- 704, yes. 13 And did you write to this constituent that 14 Canada, Mexico, Germany, France, Greece, and even 15 Iraq, require photo identification to ensure that 16 there is not repetitive or deceptive voting? 17 MS. DONNELLY: If you need to read the 18 whole document, feel free to do so. 19 A. This is an e-mail from my state e-mail to 20 someone -- I don't know if they're a constituent or 21 not -- and I don't know if I wrote this or if my staff 22 wrote this, but it is a response to an e-mail. 23 Q. (BY MR. FREEMAN) When you write e-mail to 24 constituents or other individuals who write to you, do 25 you try to ensure that those statements are accurate?</p>

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<p style="text-align: right;">133</p> <p>1 A. My staff tries to, yes.</p> <p>2 Q. Do you know if it's accurate that Canada, 3 Mexico, Germany, France, Greece, and even Iraq, 4 require photo identification in order to vote?</p> <p>5 A. I don't know what they did in 2009, I don't 6 know what they do today.</p> <p>7 Q. Okay. One more.</p> <p>8 If you turn to page 718. If you look in the 9 first paragraph, did you -- did you write to this 10 individual: "As the bipartisan Commission on Federal 11 Election Reform concluded, ballot access should 12 have...the same degree of integrity as boarding a 13 plane or cashing a check, both of which require a 14 photo ID"?</p> <p>15 A. I don't know if I wrote this. There's a 16 response to a constituent that says what you just 17 read.</p> <p>18 Q. And is the bipartisan Commission on Federal 19 Election Reform, is that the Carter-Baker Commission 20 that we discussed earlier?</p> <p>21 A. I don't know.</p> <p>22 Q. Do you know for certain that photo ID is 23 necessary to board a plane?</p> <p>24 A. I don't know.</p> <p>25 Q. Do you know for certain that it's not</p>	<p style="text-align: right;">135</p> <p>1 substantive provisions in a draft bill that a 2 legislator has asked them to draft because they 3 believe it would violate the Texas Constitution?</p> <p>4 A. I don't know what they do with other 5 legislators.</p> <p>6 Q. Have they ever done that for you?</p> <p>7 A. They've sent back stuff said -- saying that 8 we couldn't do it there, or the way we wanted to do 9 it, because it wouldn't fit in that area of the 10 government code or...</p> <p>11 Q. Have they ever sent something back saying 12 that it would violate the Texas Constitution?</p> <p>13 A. Not that I recall.</p> <p>14 Q. Have they ever sent something back saying it 15 would violate federal law?</p> <p>16 A. Not that I recall.</p> <p>17 Q. Have they ever sent something back saying 18 that it would violate the Voting Rights Act?</p> <p>19 A. Not that I recall.</p> <p>20 Q. Are there any other steps, other than relying 21 on whether or not leg' counsel sends back to you that 22 you take to ensure that a bill complies with federal 23 law?</p> <p>24 A. Not that I recall.</p> <p>25 Q. And are there any other steps other than</p>
<p style="text-align: right;">134</p> <p>1 possible to cash a check without photo ID?</p> <p>2 A. I don't know.</p> <p>3 Q. When you sponsor a bill, is it important to 4 you to ensure that that bill complies with the Texas 5 Constitution?</p> <p>6 A. I think it's important for legislation to 7 comply with the Constitution.</p> <p>8 Q. And what steps do you take when you're 9 sponsoring a bill to ensure that the bill complies 10 with the Texas Constitution?</p> <p>11 A. Legislators typically rely on leg' counsel to 12 fulfill that responsibility.</p> <p>13 Q. Does leg' counsel provide a written opinion, 14 or how does that process work?</p> <p>15 A. They do the research.</p> <p>16 Q. And how do you know that they do -- that 17 they've done the research?</p> <p>18 A. That's their job requirement.</p> <p>19 Q. Is there any kind of sign-off saying, "We've 20 done the research, and we believe that this complies 21 with the Texas Constitution"?</p> <p>22 A. By drafting the legislation, that's our 23 understanding.</p> <p>24 Q. Does -- if leg' counsel receives a drafting 25 request, do they ever refuse to include certain</p>	<p style="text-align: right;">136</p> <p>1 relying on bill drafters and leg' counsel to not 2 complete a bill drafting request that violates the 3 Voting Rights Act that you use to ensure that a bill 4 that you're proposing complies with the Voting Rights 5 Act?</p> <p>6 A. Not that I recall.</p> <p>7 Q. Are there any steps that you take when voting 8 on a bill, any additional steps, to ensure that it 9 complies with federal law or the Voting Rights Act?</p> <p>10 A. Not that I recall.</p> <p>11 Q. When other legislators have alleged that 12 particular legislation violates the Voting Rights Act, 13 do you take that seriously?</p> <p>14 A. I rely on leg' counsel to do their due 15 diligence to make sure that that doesn't happen.</p> <p>16 Q. So if a bill has been drafted and it's before 17 the House, it's made its way through leg' counsel, but 18 someone on the other side, an opponent of that bill, 19 says, "This violates the Voting Rights Act," you 20 believe that not to be true because leg' counsel has 21 drafted the bill?</p> <p>22 A. I believe that, yes.</p> <p>23 Q. Have any Texas laws ever been struck down 24 under the Voting Rights Act?</p> <p>25 A. I don't know.</p>

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35 (Pages 137 to 140)

<p style="text-align: right;">137</p> <p>1 Q. Are you familiar with the opinion in Texas v. 2 Holder, the litigation in DC about SB 14? 3 A. No. 4 Q. Do you know which way that decision came out? 5 MS. DONNELLY: Objection. Form. 6 A. No. I know there's been a lot of litigation 7 surrounding it, but I don't know -- I don't know 8 where -- where it's at, what it's done, where we're 9 at, why we're here. 10 Q. (BY MR. FREEMAN) Okay. Do you know if there 11 was a Select Committee on Voter Identification and 12 Voter Fraud convened in 2013? 13 A. Not that I recall. 14 Q. Were you a member of the House Elections 15 Committee in 2013? 16 A. No. 17 Q. Do you know if there were any committee 18 hearings held in 2013 about voter ID? 19 A. I don't know. 20 Q. Do you know if there were any bill proposals? 21 A. I don't know. 22 Q. Did you raise any bill proposals about 23 modifying SB 14 in any way? 24 A. No. 25 Q. Are you aware of any cases of in-person voter</p>	<p style="text-align: right;">139</p> <p>make this very quick so you'll be able to make it to your game or to watch your game. If you could actually take a look at Exhibit 165.</p> <p>A. The e-mails?</p> <p>Q. It wasn't the e-mails, it was the OTB resolution document.</p> <p>A. Okay.</p> <p>Q. And if you just turn to the page labeled 5 at the bottom.</p> <p>A. Okay.</p> <p>Q. And I believe we looked at this a bit earlier today. It's one of your general Q and A questions and answers. And the question at the top of the page is: "Isn't bill" -- referring to Senate Bill 14 -- "Isn't bill now more restrictive than Indiana's or Georgia Law?"</p> <p>If you look at the second paragraph there, it says: "Plus, it complies with the Supreme Court decision because it offsets the new requirements on voters by" -- and then it provides a bullet-pointed list, and the first bullet you see there reads: "Providing access to free photo ID cards"?</p> <p>A. Yes.</p> <p>Q. And then do you also see the third bullet</p>
<p style="text-align: right;">138</p> <p>1 impersonation that occurred in Texas during the 2012 2 presidential election? 3 MS. DONNELLY: Objection. Form. I 4 think that's been asked and answered. 5 A. Not -- not that I recall. 6 Q. (BY MR. FREEMAN) Are you aware of any other 7 cases of in-person voter impersonation that occurred 8 in Texas between May 2012 and June 2013? 9 MS. DONNELLY: Objection. Form. 10 A. I don't know. 11 MR. FREEMAN: Okay. That's all I have. 12 Pass the witness. 13 THE WITNESS: Okay. 14 MS. DONNELLY: Want to take a quick 15 break before we turn you over to this last lady? 16 MS. FARANSSO: Actually, I'll be very 17 quick. 18 THE WITNESS: I'm good. 19 E X A M I N A T I O N 20 BY MS. FARANSSO: 21 Q. Just a couple of quick questions. 22 A. Okay. 23 Q. And again, Representative, my name is Tania 24 Faransso of WilmerHale, and I'm here on behalf of the 25 Texas League of Young Voters Education Fund. I'll</p>	<p style="text-align: right;">140</p> <p>1 that says: "Ensuring that obtaining photo ID is no 2 more burdensome or inconvenient than the usual act of 3 voting"?</p> <p>A. Yes.</p> <p>Q. Are you -- with respect to the first bullet, providing access to free photo ID cards, are you or were you aware at the time during the debate on SB 14, of what documentation would be required to obtain this free photo ID card?</p> <p>A. No, I don't recall. But I also wanted to say earlier, when we were talking about this out-of-bound resolution, I said this was my first one to do, I don't actually draft the out-of-bound resolutions.</p> <p>Q. Understood.</p> <p>A. Since he was talking about bill drafting, they're drafted by the leg' counsel, too. But it was the first time I had laid out an out-of-the-bound resolution that I remember on a bill on the floor.</p> <p>Q. Thank you for clarifying that. Understood.</p> <p>Separate and apart from this out-of-bounds resolution, would you have been aware at the time of the documentation that would have been required to obtain the free photo ID card?</p> <p>A. I may have, I just don't remember.</p> <p>Q. Were you aware of the costs in connection</p>